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PROCEEDINGS AND DEBATES OF THE 85th CONGRESS, FIRST SESSION

SENATE

THURSDAY, JULY 11, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 10:30 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of our fathers, grant that we may go forth to meet this day's duties and responsibilities with the constant remembrance of the great traditions wherein we stand and the shining cloud of witnesses which at all times surrounds us. May a sense of the unseen and eternal color all our thoughts and endeavors. May a realization of Thy presence guide all our decisions and permeate our will's most inward citadel. Be Thou with us in our silence and in our speech, in our haste and in our leisure, in companionship and in solitude, in the freshness of the morning and in the weariness of the evening, crowning all with Thy "Well done" as faithful servants.

We ask it through riches of grace in Christ Jesus our Lord. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, July 10, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on July 10, 1957, the President had approved and signed the following acts:

S. 1428. An act to authorize furniture and furnishings for the additional office building for the United States Senate;

S. 1429. An act authorizing the enlargement and remodeling of the Senators' suites and structural, mechanical, and other changes and improvements in the existing Senate Office Building, to provide improved accommodations for the United States Senate; and

S. 1430. An act increasing the limit of cost fixed for construction and equipment of an additional office building for the United States Senate.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary to Paraguay, which was referred to the Committee on Foreign Relations.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. YOUNG was excused attendance on the sessions of the Senate from today until Monday, July 15, 1957.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I wish to express my appreciation to the distinguished senior Senator from South Carolina [Mr. JOHNSTON], before he leaves the Chamber, for being present with me this morning as the Senate meets to discuss the very important subject of civil rights.

I am also grateful to my delightful friend from New Mexico [Mr. CHAVEZ] for being present.

We shall have a rather long day, beginning at 10:30 a. m. and continuing until late this evening. I hope the aides of the Senate will notify other Senators. I do not see present a member of the minority, whose leader has made the motion which is now pending, to advocate the motion.

I do not wish to inconvenience Senators. We are meeting at an unusually early hour. However, in the hope that Senators will be afforded ample opportunity to present their views, the leadership has arranged to come early and stay late.

Mr. President, I have been reading in the newspapers and hearing from the distinguished correspondents who chronicle the events of the Senate, a great deal about a compromise on the so-called civil-rights bill. This discussion of compromise has been carried in the press. I wish to make this observation: In my opinion, it is both premature and inaccurate. I do not know of any participants on either side who are talking in such terms.

This discussion arises, in my opinion, because thus far the debate has been conducted on a very high plane, free from rancor and free from bitterness. Senators are debating the issues, and the debates should be studied carefully.

There is no way to predict the outcome at the present time. There is quite some distance to go before the end result will even begin to take shape.

But that is not surprising. The issue is deeply emotional and cannot be settled in a few hours, or even in a few days. So long as we can continue to explore the issues in the current spirit, I have every confidence that the Senate, with dignity and decency, will reach a very reasonable judgment.

Mr. KNOWLAND entered the Chamber.

Mr. JOHNSON of Texas. I yield to the Senator from California.

Mr. KNOWLAND. I understand that the distinguished Senator made some mention of the attendance on this side of the aisle. I was at a meeting of the Committee on Foreign Relations, and was delayed 1 minute in reaching the Chamber, by my official duties in the Foreign Relations Committee.

Mr. JOHNSON of Texas. The Senator needs to make no apology for being delayed.

The Senator from Texas expressed appreciation to the Senator from South Carolina [Mr. JOHNSTON] and the Senator from New Mexico [Mr. CHAVEZ] for being present with him this morning, and he explained that the Senate has a very long day before it, having met in an unusual situation, at an early hour.

As the Senator from California knows, the Senator from Texas and other Senators are frequently late. But it is a fact that when the Senate met at an early hour this morning only two other Senators were present.

For that reason I shall have a few statements which I will make before I suggest the absence of a quorum, so that I will not disturb the activities of Senators, including the Senator from California. So far as the Senator from Texas is concerned, the Senator from California can, if he desires, return to the Committee on Foreign Relations and continue his studies there. I do not think he will miss a great deal, because I intend to make some insertions in the RECORD, and make a few statements concerning the pending business.

Mr. President, one of the privileges of being a Senator is the opportunity afforded for contact with outstanding people.

Recently I spent a delightful evening with Mr. and Mrs. Walter Lippmann. Personally, I consider him one of the most astute analysts of our times, and my regard for his judgment is extremely high.

He is a man of true intellectual independence, who thinks through a problem and refuses to avoid logical conclusions merely because they are unpopular. He never seeks to curry favor with the mob.

This morning, Mr. Lippmann presents his views on the question before us. I do not necessarily agree with all his

views, but they are striking, and I wish to read his column into the RECORD.

[From the Washington Post of July 11, 1957]

VOTING AND INTEGRATION

(By Walter Lippmann)

Once again, as with the budget, the President has let it be known that he is not sure he is fully in favor of a major measure which has been put forward by his administration. Indeed, in the case of the civil-rights bill, it appears that he has had a quite misleading impression of what is in it. Thus, at his press conference on July 3, he said in reply to a question, that while he is not a lawyer and did not "participate in drawing up the exact language of the proposals," he did know "what the objective was that I was seeking." It was "to prevent anybody illegally from interfering with any individual's right to vote if that individual were qualified under the proper laws of his State."

Protecting the right of Negroes to vote in elections for Federal officials is, in fact, the objective of Part IV of the bill but the objective of Part III is to strengthen the Federal power to enforce all the civil rights laws, including the law which calls for integration in the public schools. The President has certainy been misled, in fact it is hard to see how he can have read the bill, if he thinks that it is directed solely, or predominately, at securing and protecting the right to vote. For, as the text shows clearly, the bill is a comprehensive measure for the better enforcement of all these civil rights, which exist in the laws but are in fact denied or nullified in various parts of the country.

The President's lack of understanding of the bill enabled Senator RUSSELL of Georgia to score heavily when he charged that the bill was an "example of cunning draftsmanship," and that it was promoted by a "campaign of deception."

It certainly is puzzling to find the President so inadequately informed about the objectives of the bill. But whatever the reason for his misunderstanding, there has been no cunning deception. The text of the bill makes it quite obvious that much more than the right to vote is involved. The Attorney General, Mr. Brownell, during the hearings in the House committee and in a memorandum, dated April 9, 1956, specifically included integration in the public schools among the Federal activities to be promoted by the bill.

There is no doubt, therefore, that the objectives of the bill are much wider than to secure and protect the right to vote. This raises great questions of principle and of national policy. For while the right of qualified adults to vote and the right to have their children attend unsegregated schools are both civil rights, there are important differences between the two kinds of rights. Senator RUSSELL himself recognized this in his speech of July 2 when he said that "the American people generally are opposed to any denial of the right of ballot to any qualified citizen" but that even "outside the South there are millions of people who would not approve" of the use of force to compel integration.

In principle, it is the duty of the Federal Government to use its legal powers to secure and protect the right to vote. But to promote integration it is its duty to use persuasion in order to win consent. The two objectives—voting and integration—ought not to be lumped together, and the wise thing to do now would be to accept an amendment to the bill which separates them.

No doubt there would still be a die-hard opposition in the Deep South. But a bill which did only what the President thinks that this bill does, would be much harder to defeat. It would be hard to filibuster against it for any long time. For there are indeed millions of Americans outside the South who think that it is high time that the right to vote was respected. They do not think, however, that integration in the public schools can be or should be enforced more rapidly than local sentiment will accept it.

Insofar as the right of southern Negroes to vote can be secured and protected, they will acquire powerful means for establishing all their rights. I am not sure whether Senator RUSSELL's remarks, which are quoted above really means that southerners of his eminence are now prepared to concede the right to vote. But if they do mean that, they mark a very great advance for the cause of civil rights.

A disfranchised minority is politically helpless. Let it acquire the right to vote, and it will be listened to.

Mr. CASE of South Dakota subsequently said: Mr. President, Walter Lippmann has written an article entitled "Voting and Integration," which was published in this morning's Washington Post. It is characteristically to the point, and very much in point in connection with the debate in which the Senate is now engaged. I should like to read sentences from it, and then have it printed in the RECORD in its entirety at this point as a part of my remarks.

The first sentence I wish to read calls attention to the statement of the President at his press conference last week.

Thus, at his press conference on July 3, he—the President—said in reply to a question, that while he is not a lawyer and did not "participate in drawing up the exact language of the proposals," he did know "what the objective was that I was seeking." It was "to prevent anybody illegally from interfering with any individual's right to vote if that individual were qualified under the proper laws of his State."

The article concludes with these words:

A disfranchised minority is politically helpless. Let it acquire the right to vote, and it will be listened to.

The entire article by Mr. Lippmann is so much in point in connection with the general debate now pending that I had intended to ask unanimous consent that it be printed in the body of the RECORD as a part of my remarks. I am advised that it has already been placed in the RECORD by the Senator from Texas [Mr. JOHNSON] before I entered the Chamber. I was detained by attendance at a funeral for a former South Dakotan this morning. So, I express the hope that all Senators will read the article in its entirety.

EXCESSIVE IMPORTS OF OIL INTO THE UNITED STATES

Mr. JOHNSON of Texas. Mr. President, I want to know why we are unable to get action to curb excessive imports of oil into this country.

I cannot understand why a few importing companies are allowed to control the economic development of my State of Texas and of other oil-producing States.

That is the effect of the present situation. The importing companies are, to all intents and purposes, telling the domestic oil industry "We don't have room for your oil." And at the same time they are bringing into the country a record amount of foreign oil.

Mr. President, in this 31-day month of July, oil will flow from Texas wells only 13 days.

It already has been indicated that a majority of the buyers of Texas crude oil will urge that production again be limited to 13 days in August.

Every oil producer in Texas lives with a production quota. The quota changes month in and month out. This month, the production allowable for many will not bring in enough revenue to enable the producers to meet their bank commitments.

The big importing companies demand on the one hand that they be uncontrolled and unfettered. They demand on the other hand that the quota on the independent producer here at home be further tightened.

In Texas much of our State tax revenue comes from oil. During this month of July the cut in oil production will result in a tax loss to the State government of $1½ million as compared with June.

That is not the only loss.

The heavy imports are seriously hampering drilling operations everywhere in the United States.

Independent producers traditionally operate on borrowed money. They are having to pay higher interest rates at the very time that their income is dropping.

Exploration costs jump as drillers find it necessary to go deeper and deeper for new supplies of oil.

In view of these facts, it is not surprising that drilling activity in the United States is sharply down this year.

This curtailment of drilling means less oil is found. It means less reserves available for the time when we may find ourselves in desperate need of domestic oil.

Mr. President, it is vitally necessary that we keep the American oil industry healthy enough to meet all foreseeable defense needs, in addition to our normal nondefense needs. We cannot afford to run out of oil—oil produced in our own country.

Crude-oil imports have been increasing ever since the defense amendment to the Trade Agreements Extension Act was approved 2 years ago. Up to now, action by the administration has been limited to study and consultation.

The time for study has passed. Congress gave the administration authority to curb excessive imports of oil.

Mr. President, that authority should be exercised now.

Mr. JOHNSON of Texas. Mr. President, I now turn to another subject.

The PRESIDENT pro tempore. The Senator from Texas has the floor.

THE BUDGET

Mr. JOHNSON of Texas. Mr. President, the current debate should not completely obscure the progress of the "battle of the budget." I would like to submit—for the information of my colleagues—the latest figures that are available.

They indicate reductions approaching $4 billion—or 6.4 percent—from the President's budget that was submitted to us in January. Furthermore, there is ample room for further reductions.

Up to this point, appropriation requests totaling $60,553,833,463 have gone through some stage of consideration by this Congress. On the basis of their current status, they have been cut to $56,656,136,959.

This represents a total cut of $3,897,696,504.

This calculation is based partly upon the Senate's action on the authorization for the mutual security bill. As we are all aware, this affected the ceiling only, and the appropriation for this item is usually well below the ceiling.

In view of developments in the other body, and the sentiments I have heard expressed in the Senate since the authorization bill was passed, I have no doubt that the amount in the Mutual Security appropriation bill will be substantially below the amount authorized in the Senate Mutual Security authorization bill.

Mr. President, I believe these figures indicate that Congress has worked conscientiously to meet the demand of our people for economy. Every Member of the Senate is entitled to congratulations for his contribution to the result. I should like to extend special congratulations to the senior Senator from Arizona [Mr. HAYDEN], and to all the members of the Committee on Appropriations on both sides of the aisle, particularly the ranking minority member of the committee, the distinguished Senator from New Hampshire [Mr. BRIDGES]. Both the Senator from Arizona and the Senator from New Hampshire early in the year set a target to be reached in reducing the budget. I believe we will not only meet that target, but do better than that. These Senators have labored long and hard, and the country owes them a debt of gratitude. I ask unanimous consent that a table summarizing the appropriations be printed in the RECORD at this point, as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Estimates	Appropriations	Reductions
Enacted or awaiting President's signature	$15, 227, 933, 846	$14, 023, 218, 179	$1, 204, 715, 667
Agriculture (conference figure)	3, 965, 446, 617	3, 666, 543, 757	298, 902, 860
Defense (Senate figure)	36, 128, 000, 000	34, 534, 229, 000	1, 593, 771, 000
Public works (House figure)	876, 453, 000	814, 813, 023	61, 639, 977
Mutual security (Senate authorization)	4, 356, 000, 000	3, 617, 333, 000	738, 667, 000
Total	60, 553, 833, 463	56, 656, 136, 959	3, 897, 696, 504
Percent of estimate			6. 4

The PRESIDENT pro tempore. The order entered yesterday provided for a morning hour today for the transaction of routine business. Such business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF ACT RELATING TO ESTABLISHMENT OF OFFICE OF CIVIL DEFENSE IN DISTRICT OF COLUMBIA

A letter from the president, Board of Commissioners, District of Columbia, Washington, D. C., transmitting a draft of proposed legislation to amend the act entitled "An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950 (with an accompanying paper); to the Committee on the District of Columbia.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebr. (Rept. No. 606).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2039. A bill to clarify the requirements with respect to the performance of labor imposed as a condition for the holding of mining claims on Federal lands pending the issuance of patents therefor (Rept. No. 608).

EXPERIMENTAL RESEARCH PROGRAM IN CLOUD MODIFICATION—REPORT OF A COMMITTEE—ADDITIONAL COSPONSORS OF BILL

Mr. BIBLE. Mr. President, from the Committee on Interstate and Foreign Commerce, I report favorably, with amendments, the bill (S. 86) to provide for an experimental research program in cloud modification, and I submit a report (No. 607) thereon. I ask unanimous consent that the names of Senators MONRONEY, SMATHERS, BIBLE, THURMOND, YARBOROUGH, BRICKER, SCHOEPPEL, BUTLER, POTTER, PURTELL, PAYNE, CARROLL, and COTTON may be added as additional cosponsors of this proposed legislation.

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the names will be added as cosponsors, as requested by the Senator from Nevada.

AMENDMENT OF SECTION 31 OF SECURITIES EXCHANGE ACT OF 1934

Mr. LAUSCHE. Mr. President, from the Committee on Banking and Currency, I report an original bill to amend section 31 of the Securities Exchange Act of 1934, and I submit a report (No. 605) thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar.

The bill (S. 2520) to amend section 31 of the Securities Exchange Act of 1934, was read twice by its title and placed on the calendar.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Brig. Gen. William A. Carter (colonel, Corps of Engineers) to be a member and president of the Mississippi River Commission, vice Maj. Gen. John R. Hardin.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (by request):

S. 2519. A bill for the relief of the Crum McKinnon Building Company of Billings, Mont.; to the Committee on Government Operations.

By Mr. LAUSCHE:

S. 2520. A bill to amend section 31 of the Securities Exchange Act of 1934; placed on the calendar.

(See the remarks of Mr. LAUSCHE when he reported the above bill, which appear under the heading "Reports of Committees.")

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2521. A bill for the relief of Jeffery Tucker Murry (Lee Mee Hevan); to the Committee on the Judiciary.

By Mr. LANGER:

S. 2522. A bill to permit certain veterans to waive entitlement to insurance benefits under title II of the Social Security Act in order to preserve their rights to receive disability pensions under laws administered by the Veterans' Administration; to the Committee on Finance.

S. 2523. A bill for the relief of Alice Schonberger; to the Committee on the Judiciary.

(See the remarks of Mr. LANGER when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. POTTER:

S. 2524. A bill for the relief of Kim Lynn Haywood; to the Committee on the Judiciary.

By Mr. ALLOTT:

S. 2525. A bill to repeal section 601 of Public Law 155, 82d Congress; to the Committee on Armed Services.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina (by request):

S. 2526. A bill to promote the interests of national defense through the advancement of the aeronautical research programs of the National Advisory Committee for Aeronautics; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

S. 2527. A bill to authorize the appointment of Louis D. Gingras as a permanent captain in the Regular Army; to the Committee on Armed Services.

By Mr. WILEY:

S. 2528. A bill for the relief of Maria Bizzio and her two minor children, Nicoletta Bizzio and Renato Bizzio; to the Committee on the Judiciary.

By Mr. CARLSON:

S. 2529. A bill to clarify the law relating to the acceptance of business reply cards and letters in business reply envelopes, and for other purposes; to the Committee on Post Office and Civil Service.

INVESTIGATION BY DISTRICT OF COLUMBIA COMMISSIONERS RELATIVE TO CONSTRUCTION OF HELIPORTS IN THE DISTRICT

Mr. BEALL submitted the following resolution (S. Res. 161), which was referred to the Committee on the District of Columbia:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to investigate and cause to be made a study of all factors involved in, including sites to be recommended, the construction of a heliport or heliports within the District of Columbia, with a view toward the proposal of sites for construction convenient to and in close proximity with the downtown Government and commercial areas of the District of Columbia.

SEC. 2. The Commissioners are hereby directed to submit their report of such study to the Congress not later than January 31, 1958.

WAIVER OF ENTITLEMENT TO INSURANCE BENEFITS BY CERTAIN VETERANS

Mr. LANGER. Mr. President, I introduce, for appropriate reference, a bill to permit certain veterans to waive entitlement to insurance benefits under title II of the Social Security Act in order to preserve their rights to receive disability pensions under laws administered by the Veterans' Administration. I ask unanimous consent that the bill, together with a statement prepared by me, relating to its provisions, may be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 2522) to permit certain veterans to waive entitlement to insurance benefits under title II of the Social Security Act in order to preserve their rights to receive disability pensions under laws administered by the Veterans' Administration, introduced by Mr. LANGER, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(v) Notwithstanding any other provision of this section, any individual who is entitled to a disability pension under part III of Veterans Regulation No. 1 (a) or subpart II of part B of title IV of the Veterans' Benefit Act of 1957 and who is entitled to insurance benefits under this section may, at his option, waive entitlement to all or any part of such insurance benefits for any one or more consecutive months by filing with the Secretary a waiver certificate in such form and in such manner as the Secretary shall by regulations prescribe; but entitlement to such insurance benefits may not be waived with respect to any month prior to the month in which such certificate is filed. The filing of a certificate of waiver by any individual under this subsection shall not affect the entitlement to insurance benefits under this section of any other individual whose entitlement to such benefits is based upon the same record of wages and self-employment income as that upon which the entitlement to such benefits of the individual filing such certificate is based."

The statement presented by Mr. LANGER is as follows:

STATEMENT BY SENATOR LANGER

Today, I am introducing a bill which I hope will be passed as soon as possible, because the only purpose of this bill is to let a veteran save the disability pension being paid him by the Veterans' Administration, by refusing to accept the full amount of social-security benefits to which he may be entitled, if by so doing, he would run afoul of the income limitation provision written in the veterans' laws. Now if this sounds a little complicated, just let me clarify it by giving an example.

Let us assume that a veteran of World War I, without any dependents, has been rated permanently and totally disabled, due to non-service-connected causes, and that the Veterans' Administration has awarded him a disability pension of $66.15 per month. Now under the law, this pension will be paid to him only so long as his annual income does not exceed $1,400. Let us go one step further and see what happens to this pension when the veteran becomes eligible, by reason of age, to receive social-security benefits. Perhaps, our veteran has been lucky in his employment, he has held a well-paid job, has worked continuously and paid into the social-security fund year after year. So, he receives a letter from the Social Security Agency, telling him that based on his salary and the number of years of employment, it has been determined that he will receive monthly payments in the amount of $150. This, of course, will bring his annual income up to $1,800 and so he is $400 over the limitation on income as fixed by the veterans' laws.

One day he goes to his mailbox and he find another letter, this time, from the Veterans' Administration, telling him that his disability pension has been discontinued, due to excessive income. In fact, this letter may even say he owes the Veterans' Administration money and a demand will be made for payment as soon as possible. This indebtedness to the Veterans' Administration arose and accrued for each and every check the veteran cashed, even though innocently, during the year his income was in excess of $1,400.

If another veteran, under this same set of facts, has dependents, the income limitation is set at $2,700 and this same ceiling on incomes applies to widows of a veteran, with and without minor children.

My bill, expressed in the simplest terms, would permit a veteran caught in such a trap, to make a choice, the choice being whether to accept the full amount of money from social security and have his disability pension cut off, or to decline to accept from social security anything more than the $1,400 and so save his Veterans' Administration disability pension. In other words, my bill would let a veteran say to the social-security people, "I am a veteran, without any dependents and I want to continue to receive my veteran's pension, so please don't pay me any more than $1,400 during the year," or, if he had dependents, "Please don't pay me any more than $2,700."

My bill does nothing more nor less than give the veteran the right to make this election under the Social Security Act, just as he now has this right of election under the Railroad Retirement Act, the Civil Service Retirement Act and the laws applicable to annuities paid by the Government of the District of Columbia. So if a veteran already has this right of election under three Federal laws, why should it not be extended to the Social Security Act? I would like to hear just one good reason.

In case any of my colleagues may be in any doubt about this income limitation, which so adversely affects veterans and their dependents, I want to point out that this provision is written into Public Law 356, of the 82d Congress, which was approved May 23, 1952, and there is no way of getting around it, except by giving a veteran the right to ask that his income be reduced, for pension purposes. I want to repeat that this law was approved in 1952.

What has happened to the cost of living since 1952? Well, nobody will deny that the cost of living has steadily continued to rise, and when I hear people talk about preventing inflation, it just make me wonder. How do you prevent something which has already happened? Today, if you go to the grocery store with $1, what will it buy? Very, very, little. Why the cheapest grade of coffee, purchased in a chain store, sells for $1.08 per pound. Would anybody contend that a veteran rated permanently and totally disabled, whose annual income is $1,405 should be taken off the pension rolls? Yet that is the law, and such veterans are being taken off the pension rolls every day for that very reason.

Just how does a veteran get a rating of permanently and totally disabled? Well, I will tell you how. Only after a most thorough physical examination, by the submission of affidavits, and by meeting many other strict requirements of the Veterans' Administration. Believe me, there is nothing presumptive about it. But once he is taken off the pension rolls, it is very, very hard to get back on. I know that any veteran who has tried to be reinstated will bear me out on this point.

Let us assume that a widow of a veteran is left with five minor children to support and that her annual income is $2,710. What happens in her case? Well, she too comes off the pension rolls. The children's entitlement may be considered separately, but the widow herself, is barred from the receipt of pension. Her pitiful little income is just too great.

At this point in my remarks I want to call the attention of all the Members of this body to a table which was sent to me by the Economics Division of the Library of Congress. If any Member will take the time even to glance at it, he will see how the present-day cost of the barest necessities of life compares with the cost of the same items in 1952. Why, in some cases the cost of a particular item is 25 percent higher today than in 1952. Also, please notice that the value of a consumer dollar is 6.1 percent less than in 1952.

Yet, in spite of all this, the veteran in the year 1957 is held to and bound by the very same income limitation that he was in the year 1952.

The table is as follows:

Consumer prices and purchasing power of the dollar, May 1952 and May 1957

[1947–49=100]

Consumer prices	May 1952	May 1957
All items	113.0	119.6
Food	114.3	114.6
Cereals and bakery products	114.3	130.4
Meats, poultry, and fish	114.5	103.7
Dairy products	109.3	110.0
Fruits and vegetables	124.3	122.5
Other	104.4	109.9
Apparel	105.8	106.5
Housing	114.0	125.3
Transportation	125.1	135.3
Medical care	116.1	137.3
Personal care	111.6	123.4
Reading and recreation	106.2	111.4
Other goods and services	115.8	124.3
Value of consumer dollar (1947–49=100)	89.5	83.6

The income limitation fixed for veterans, under Public Law 356, is but one of many injustices being done our veterans and I believe it should be remedied immediately. Of the many other injustices, I reserve the right to speak at length at a later date.

I believe that the income limitations should be raised to $3,000 for a veteran without dependents and to $4,000 for a veteran with dependents and that these amounts should also apply to the income of a veteran's widow. During the 84th Congress, I introduced a bill, S. 2978, having this identical provision. As a routine matter, a report was requested and received from the Administrator of Veterans' Affairs. He recommended against its enactment and so my bill died in the Senate Committee on Finance. Undaunted, just as soon as we met in January of this year, on January 7, to be exact, I introduced another bill, S. 209, having the identical provisions. So far, no action has been taken on S. 209.

I am deeply ashamed that legislation such as I am introducing today is necessary, nevertheless I strongly urge its passage, because I just do not know of any other way to help veterans at this time.

I want to assure you that as long as I am in the Senate, I will continue to fight for increased benefits for veterans and their dependents, in order that their standard of living may be improved, along with that of the rest of the Nation. It is indeed very hard for me to understand how our Government can be so generous with foreign aid, can give away billions of American dollars to every foreign country under the sun and at the same time be so niggardly in granting even the smallest increase in veterans' benefits.

AGREEMENT ON CERTAIN REAL PROPERTY TRANSACTIONS

Mr. ALLOTT. Mr. President, certain Congressional procedures applicable to the Department of Defense and beyond its control are cumbersome and act as deterrents to orderly and efficient real-property management by the Department of Defense. One example of this is title VI, section 601, Public Law 155, 82d Congress, which requires the military services to come to agreement with the Armed Services Committees on real property transactions, either acquisitions or disposal, involving sums greater than $25,000. In the case of acquisition, this procedure is required even though the committees have previously authorized action. Since no time limit is set within which the committees must act, there is often a loss of time which, in many cases, is more disturbing than immediate disapproval.

I am today, therefore, introducing a bill to repeal section 601 of Public Law 155. Such action is in keeping with the recommendations of the second Hoover Commission and is strongly endorsed by the administration. The Hoover Commission Task Force on Real Property Management found that this time lag in committee frequently amounts to a year, and in 1 case the decision was delayed for over 2 years. This provision is also burdensome for its effect upon the transfer of real property between departments, and the use of one department's storage space by another department.

The Hoover Commission Special Task Force on Depot Utilization did not believe, nor do I, that Congress intended to delay such transactions. However, at present the Secretaries of the Army, Navy, and Air Force are required to come to agreement on these matters with the House and Senate Armed Services Committees. Also in question here is the appropriateness of Congressional committee participation in the executive management operation on the ground that it is an invasion of the executive by the legislative branch. The solution would be repeal of section 601 of Public Law 155, which is the effect of my bill.

Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that it may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2525) to repeal section 601 of the Public Law 155, 82d Congress, introduced by Mr. ALLOTT, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 601 of Public Law 155, 82d Congress (65 Stat. 365) (requiring the military services to come into agreement with Congressional committees with respect to certain real-estate actions involving sums in excess of $25,000), is hereby repealed.

AMENDMENT OF SECTIONS 2275 AND 2276 OF REVISED STATUTES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of July 10, 1957,

The names of Senators BARRETT, BENNETT, CHAVEZ, CURTIS, MALONE, and YOUNG were added as additional cosponsors of the bill (S. 2517) to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes, introduced by Mr. WATKINS on July 10, 1957, for himself, Mr. GOLDWATER, and Mr. ALLOTT.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RUSSELL:

Statement on civil-rights editorial.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Roy A. Harmon, of North Carolina, to be United States marshal for the western district of North Carolina, 4-year term—reappointment.

Hugh K. Martin, of Ohio, to be United States attorney, for the southern district of Ohio, 4-year term—reappointment.

Charles W. Atkinson, of Arkansas, to be United States attorney, for the western district of Arkansas, 4-year term—reappointment.

James Y. Victor, of Oklahoma, to be United States marshal, for the northern district of Oklahoma, 4-year term—reappointment.

Frank D. McSherry, of Oklahoma, to be United States attorney, for the eastern district of Oklahoma, 4-year term—reappointment.

James L. Guilmartin, of Florida, to be United States attorney, for the southern district of Florida, 4-year term—reappointment.

Emerson Ferrell Ridgeway, of Florida, to be United States marshal, for the northern district of Florida, 4-year term—reappointment.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, July 18, 1957, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

NOTICE OF CONSIDERATION OF A NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. GREEN. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that the Senate received today the nomination of Walter C. Ploeser, of Missouri, to be Ambassador of the United States to Paraguay, vice Arthur A. Ageton, resigned.

Notice is given that the nomination will be eligible for consideration by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

DEATH OF ARTHUR BROWN, JR.

Mr. KNOWLAND. Mr. President, I rise to announce the death of Mr. Arthur Brown, Jr., on July 7, 1957, at Burlingame, Calif. Mr. Brown was one of the foremost architects of the country, and a friend of my father.

At the time of his death, Mr. Brown was a practicing architect, and was serving as one of the architectural consultants for the extension of this historic

Capitol Building in which we are now sitting. I have the honor to be a member of the special commission under which this work is being planned.

I am sure the Senate will join me in extending to Mrs. Brown and other members of the family our deepest condolences.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief statement outlining the background, education, activities, and accomplishments of this outstanding fellow Californian.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Born: Oakland, Calif.

Education: University of California, bachelor of science, 1896, doctor of laws 1931; Ecole des Beaux Arts, pupil of Victor Saloux, Dip. 1901; 1st Prix Godeboeuf, Ecole des Beaux Arts, 1900; 2d Prix Rougeion, 1901 and 1903.

Member: American Institute of Architects, northern California chapter; Institut de France, 1926; American Academy of Arts and Letters, 1953; National Academy of Design, 1953.

Activities: Lecturer, Harvard University, 1918; acting professor of architecture, University of California, 1919; member, Board of Consultants, United States Treasury Department, 1927–32; Chairman, Board of Architects, Golden Gate International Exposition, 1937–40; superintendent of architecture, University of California, 1938–49; member of board of architects, San Francisco Bay Bridge, since 1932.

Partial list of buildings designed: City Hall, San Francisco, 1915 (in partnership with John Bakewell, Jr.); Department of Labor and Interstate Commerce group, Washington, D. C., 1933; Federal Office Building, San Francisco, 1934; University Library Annex, University of California, Berkeley, 1940; Administration Building, University of California, Berkeley, 1941; Hoover Library, Stanford University, 1941 (associated with John Bakewell, Jr.); San Francisco Opera House; Veterans' Building, San Francisco; Pasadena City Hall.

CIVIL RIGHTS

Mr. STENNIS. Mr. President, I ask unanimous consent that the editorial appearing in today's New York Times entitled "The Right-To-Vote Bill" be printed in the RECORD.

I do not agree with all the facts and conclusions of this editorial, but included therein are admissions by proponents of the bill that first, the bill does confer power to enforce school integration by injunction; second, it should not confer this power; and, third, this provision of the bill should be stricken.

I am amazed at the plea of surprise by so many proponents of this bill at the charge that it includes power to enforce school integration by injunctive measures.

This fact was pointed out many times by the senior Senator from North Carolina [Mr. ERVIN] at committee hearings on the bill. I pointed it out as a witness before the subcommittee in my testimony on February 15, 1957. Mr. Brownell never denied that such power existed, but expressly admitted it at the hearings.

The President has repeatedly said he looks on the bill primarily as covering only so-called voting rights. By implication he thus says he does not wish it for the integration of the schools. If this be correct, the President could well propose to strike all of part III so as to unmistakably cover this point and clear up doubt as to other areas of interference with State and local administration.

In view of the fact that the President is the chief proponent and sponsor of this proposed legislation and that his influence gives the bill its major legislative strength, we submit that he should make a clear-cut statement of disapproval of part III.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RIGHT-TO-VOTE BILL

The lengthy conference President Eisenhower had yesterday with Senator RUSSELL, of Georgia, indicates the seriousness with which the White House views the major charge brought by Mr. RUSSELL in his speech last week against the civil-rights bill. This was the sensational allegation that hidden in one section (pt. III) of the bill is "a force law designed to compel the intermingling of the races in the public schools" by the injunctive process, and "to authorize the use of troops" to integrate them.

Although the inflammatory language Senator RUSSELL used in his speech does not contribute to a calm approach to this touchy subject, the fact remains that he has discovered in the pending bill terminology that may indeed be fairly interpreted in the way he chooses to interpret it. In previous discussion of the civil-rights measure there has been almost total neglect of this one point. The administration bill in something very much like its present form was debated and passed by the House a year ago; the current one was debated and passed by the House again last month; there have been extensive hearings and reports and innumerable speeches on the subject; yet in all this time no one has made a real issue of the possibility pointed to by Senator RUSSELL that the bill might be used to enforce school integration by injunction. The House minority reports both this year and last, and some brief testimony by Attorney General Brownell, do mention this possibility. But until the last few days it has been generally overlooked—so much so that some of the bill's leading proponents now admit privately that they had never even thought of it.

Now, this does not mean that the language is therefore bad, nor that on its merits the section of the bill to which Senator RUSSELL most violently objects should be eliminated. But it does mean that there is every indication that neither President Eisenhower nor the principal protagonists of the administration bill in Congress considered this measure as anything more than a bill to insure to every American citizen the right to vote in Federal elections, as guaranteed by the Constitution. The President has said as much in his press conferences: "I was seeking * * * to prevent anybody from illegally interfering with any individual's right to vote * * *." Practically everybody fighting for this bill, and we include this newspaper, has been seeking the same thing. We have viewed it primarily as a "right-to-vote" bill; and, as we have said here before, we believe that the injunctive process without jury trial is a perfectly proper device to enforce this basic constitutional right if necessary.

We also believe with the Supreme Court, and have said many times, that integration of the schools is likewise required by the Constitution. We believe, too, in equality of economic opportunity for all races—a point that was originally included in and then eliminated from the administration's civil rights proposals. But not all of these rights can be enforced in precisely the same way, nor can some be effectuated as quickly as others.

It would in no way prejudice the inexorable forward march of school desegregation in the South to make it clear that this bill deals exclusively with voting rights, which is what almost everybody had thought all along it deals with. Integration of schools is quite another matter; and although it may well be that the devices used in the pending bill may ultimately be found necessary to enforce the desegregation decision as well, it is the part of wisdom to take one step at a time and concentrate now, in this law, on the basic right of a free ballot.

Of course the entire question of amending the civil rights bill is premature anyway, because technically the question now before the Senate is whether or not to take up the measure at all. The southern oppositionists haven't a leg to stand on—though they have strong voices—in the debate over making this bill the pending business. Once that is done, then will come time for amendments and limitations. The southern die-hards, Senator RUSSELL included, are not going to like the bill in whatever form it emerges. Much more important than whether or not they like it is the question whether it is an equable, moderate, enforceable bill in conformity with our best traditions. We think that it can easily be made just that.

Mr. McNAMARA. Mr. President, I think I can speak for many Senate supporters of the civil-rights bill when I say that the reported vacillation of the President on this proposed legislation comes as a shock.

As a result of these reports—and the press is full of them this morning—I have sent a telegram to the President which I should like now to read into the RECORD.

The text of my telegram to the President is as follows:

I am deeply disturbed by the flood of reports that you and your administration are wavering in your support of the basic provisions of the civil-rights legislation pending in the Senate.

I urge you most sincerely to refute these impressions by immediately issuing a public statement reaffirming your strong support of this moderate legislation in the form so overwhelmingly passed by the House of Representatives.

To do less than that, to allow these reports to gain currency by your silence, sabotages the efforts of the House and of all of us in the Senate, regardless of party affiliation, who believe that every American is entitled to the privileges of first-class citizenship.

If ever the prestige and voice of the Office of the Presidency were needed, it is now. Please act.

NIAGARA POWER DEVELOPMENT

Mr. JAVITS. Mr. President, I believe it is important to have clearly before us the prospects for action this year on S. 2406, to provide for the development of Niagara power. Grave concern is expressed on this subject by the press, industry, and many people in New York. I think it vital, therefore, that the record be clear.

Assurance has been given both by the majority and minority leaders of this body that the Niagara power bill will be called up before the Senate before

we adjourn this year. I believe I am using the exact words employed by the majority leader. I rely upon that assurance, and I believe it should be relied upon generally.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield at that point?

Mr. JAVITS. Certainly.

Mr. JOHNSON of Texas. The Senator is aware of the fact, of course, that the Niagara power bill was cleared by the majority policy group and was reported to the Senate by the Committee on Public Works, and that it is now the pending business before the Senate. It was necessary to set it aside for the consideration of the motion of the Senator from California [Mr. KNOWLAND] because, by general agreement, his motion was delayed until July 8 so that we could pass appropriation bills.

The Senator from Texas has indicated that before sine die adjournment he plans to suggest to the Senate that it consider the Niagara power bill and the TVA measure which has been reported by the Committee on Public Works. I can give the Senator from New York no assurance that that will be done, although I hope that the suggestion will be approved. It may be, however, that a majority of the Senate will look upon it in another light.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KNOWLAND. I may say that the minority also has cleared the bill for consideration as soon as we can dispose of the business before the Senate, including the current proposed legislation, which we hope to have before the Senate in a few days.

I feel certain, so far as the majority leadership is concerned, that we will cooperate with the majority in having the Niagara measure, together with a number of other bills, considered by the Senate prior to sine die adjournment.

Mr. JAVITS. I thank the minority leader. I believe our colleague from Texas used the word "suggest." I understand that to mean—and I said so affirmatively—to move. If the Senate votes him down and votes the rest of us down, of course, that is the Senate's sovereign power. But that is a little different, I think, from "suggest." Am I correct in that understanding?

Mr. JOHNSON of Texas. I hope the Senator from New York will not put the Senator from Texas in a straitjacket. When I said "suggest," I intended exactly that. I meant by that by asking unanimous consent of the Senate, or by some other medium, which I will consider at the proper time.

Without indulging in an argument with the Senator from New York, I should like to reserve to myself what procedure I may desire to employ at the time, particularly in view of the fact that I am trying to be helpful to the Senator from New York.

I do not want the RECORD to show, however, that he has any corner on priority and that everything else will stand by and wait for Niagara, simply because the Niagara bill has been set aside in order to give another measure priority. It may very well be that there will be other priority measures, in the judgment of the Senator from Texas and in the judgment of other Senators.

Mr. JAVITS. I did not have any idea of pressing the point to the extent of making the Senator from Texas feel that I was questioning his majority leadership, his discretion, or his authority in any way. As a matter of fact, I made it very clear that all we are expecting—and I said it unilaterally—is that the Niagara power bill will be brought before the Senate before final adjournment. That, of course, includes any other bill which the Senator from Texas may consider to be of equal or superior priority. I appreciate very deeply the good faith involved; I do not question it at all; I rely on it completely.

I shall place in the RECORD, before I conclude, editorials published in two of the leading newspapers of the State of New York, including the New York Times, because apparently, although I would not think what is stated in the editorials needed to be said, it does need to be said. So I ask the Senator to be good enough to understand my words only in that context.

Mr. JOHNSON of Texas. I want the RECORD to show that if any priority is to be given, the Senator from Texas plans, of his own volition, without suggestion from any other Senator, to bring the Niagara bill up for the attention of the Senate, and to ask the Senate to consider it, whether it be by motion or unanimous consent. Then it will be a matter for the Senate to consider.

Mr. JAVITS. I thank the Senator from Texas. I think we understand his position clearly. What is more important, we very deeply appreciate and understand his situation perfectly.

Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from New York may proceed for 2 minutes.

Mr. JAVITS. Mr. President, I now yield to the Senator from New Mexico.

Mr. CHAVEZ. Mr. President, no one appreciates the parliamentary difficulties of the majority leader more than does the chairman of the Committee on Public Works. It is not the duty of the chairman even to suggest taking up the Niagara bill or the TVA bill, both of which I consider to be just as important as the bill the Senate is now discussing—as a matter of fact, more so, because we will never agree on what we are now discussing. But it is possible to agree on the Niagara bill and to agree on the TVA bill; and both those measures are certainly necessary. Without my suggesting that they be considered, I feel that the two proposed pieces of legislation are very important to the American people, and I hope the majority leader and the minority leader will get together and give the Senate a chance to vote on them.

Mr. JAVITS. Mr. President, every effort is being made by the sponsor of this measure in the other body to bring about consideration of it there while the civil rights bill is being debated here. I have every expectation that the grave interests which make this emergency legislation will be as fully respected there as they are here, and that coordinate action of both bodies may therefore be confidently expected before final adjournment.

The measure relating to Niagara River power, which is before us, has the strong backing of the State of New York and its people, and it is the duty of every one of us in the Congress from New York to be indefatigable in the effort to have it enacted into law. My senior colleague and I have already put before this body the emergency character of this proposed legislation and our determination to fight for it.

Mr. President, western New York industries based on low-cost hydroelectric power are now in a state of arrested development. The industrial powers consumers conference of Buffalo, N. Y., representing 37 diversified and basic industries in western New York, has informed me that some firms are considering withdrawal from the area, which, incidentally, is vital to the national defense, especially because the chlorine industry is concentrated there. It is a very serious situation for us in New York. A minimum of 45,000 jobs in the Niagara frontier area are being jeopardized by the delay.

I think I know the people of the Niagara frontier. They have managed somehow during the last year since the Schoellkopf disaster, which made industry in the Niagara area heavily dependent upon a temporary power supply from Canada. They realize, of course, that even with a bill enacted into law, construction will take several years, but it must be started.

Finally, Mr. President, I think it is important to emphasize that there is no question of conflict between civil rights and Niagara power. Each is of an emergency character in totally different fields. One does not have to be against civil rights to be for Niagara or vice versa. Both are extremely important to the people of New York State, the overwhelming majority of whose 17 million people look to this body for action on both.

Mr. President, two leading newspapers of the State, one the New York Times in New York City, and the other across the State, the Evening News of Buffalo, have printed editorials reflecting, I believe, the opinion of the vast majority of my constituents in assessing the importance of securing Niagara legislation this year. I ask unanimous consent that they be printed in the RECORD as a part of my remarks at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times of July 10, 1957]

NIAGARA POWER WAITS AGAIN

New York State has been waiting 7 years for Congress to approve development of electric power from the United States share of Niagara River waters divided by the 1950 treaty with Canada. Now, just when a compromise bill appears to have an excellent

chance to pass the Senate, it is pushed aside to make way for a debate on civil rights that may go on for weeks.

Without disparaging the importance of the civil-rights legislation or the leisurely examination of which it is worthy, we wonder whether it wouldn't be possible for the Senate to find an interlude to get some business like Niagara to a vote. Senator JOHNSON of Texas, the Democratic majority leader, has already put the Niagara bill on the floor agenda, suggesting fast action. New York's Senators IVES and JAVITS also urged immediate consideration. So did Senator KERR, as chairman of the Public Works Committee that reported the bill June 24.

A number of urgent matters are piled up awaiting Senate action. The businesslike way for the Senate to handle this situation would be to deal with these measures from time to time, so that some work could go forward to the House, as in the case of the Niagara bill. Even important measures have a way of getting lost in an August adjournment rush, and New York, needing electric power from Niagara and facing at best a long construction period, cannot endure the disappointment of another congressional postponement to January. It does not seem unreasonable to ask that a little Senate action, on pressing matters, be interspersed with much talk on civil rights.

[From the Buffalo Evening News]

The Niagara power bill, so desperately needed in western New York, at long last is in shape to pass the Senate. The votes for the Kerr compromise apparently are in hand. The House is ready to act swiftly if the Senate acts first.

But the hitch is the civil-rights bill and Senator KNOWLAND holds the key to that. Once that is called up for debate, it is entirely probable that the Niagara power bill will be dead for this session. Once the civil-rights bill is moved, the long-threatened southern filibuster will begin. What happens to any other legislation for this session is highly problematical. The Niagara frontier just can't afford to be caught in that snarl.

The two Senators from this State, Senators IVES and JAVITS must know this. They have a vast and serious responsibility to see that the Niagara power bill is given its chance for enactment. The civil-rights bill cannot be sidetracked, and won't be hurt if it is delayed for another very brief spell.

The key to the Niagara bill is Senator KNOWLAND of California, the Senate minority leader. This weekend he will determine whether to call up the civil-rights bill Monday, we beg Senator KNOWLAND to take cognizance of the situation, and let the Niagara bill be brought to a vote before the Senate becomes tangled in the civil-rights filibuster. We urge every citizen, every industrial leader in the area who is familiar with the Niagara situation to telephone or telegraph an appeal to Senator KNOWLAND and Senators IVES and JAVITS today. Monday will be too late.

More to the point, the Republican Party leaders in the State and in Erie, Niagara as well as adjoining counties, have a grave responsibility to impress upon Senator KNOWLAND and the representatives of this area the fact that asking for this delay does not mean opposition to civil rights, but is aimed to retrieve a disastrous situation for the frontier. We face a serious economic reversal and even more acute power shortage. This is not a favor to a power company. It's a matter of jobs and industrial development—and the avoidance of restricted power use in the birthplace of hydro power.

THE PRESIDENT AND HELLS CANYON DAM

Mr. NEUBERGER. Mr. President, I believe President Eisenhower should be commended for granting an audience to the distinguished senior Senator from Georgia [Mr. RUSSELL], who is the leader of the forces opposing the President's civil-rights program. Although I support the civil-rights program, I believe such an interview was only fair and proper—and thoroughly in keeping with the great traditions of the Presidency.

I now suggest that President Eisenhower grant the same access to his opponents on another great issue before the Nation; namely, that of full development in the public interest of the finest hydroelectric power site still belonging to the American people. Never has President Eisenhower met face to face with those Senators from the Pacific Northwest, led by the distinguished senior Senator from Oregon [Mr. MORSE], who are championing the high Federal dam at Hells Canyon.

Surely, Mr. Eisenhower will grant to those Senators who oppose his viewpoint on Hells Canyon the same privilege of discussion and presentation of their views, that he has allowed to the opposition fighting against his civil-rights bill. Is the President of the United States less fervent in his championing of civil rights than in his advocacy of private exploitation at Hells Canyon? Is he less eager for fairness at Hells Canyon than on civil rights?

President Eisenhower is to be commended for granting a hearing to Senator RUSSELL on the civil-rights question. When will he grant a similar hearing to Senator MORSE and the other Pacific Northwest Democratic Senators on the Hells Canyon issue? Time is running out for Hells Canyon. Will the President allow this great water power site to slip permanently from public possession without even listening personally to the facts from the other side?

If it is fair and wise for the President of the United States to hear both sides on civil rights, how can it be wrong for him likewise to hear both sides as to Hells Canyon?

CIVIL RIGHTS

Mr. MORSE. Mr. President, I wish to raise a procedural question and I should like to have the attention of the majority leader and the minority leader.

Before I do so, I may say to my good friend, the Senator from New York [Mr. JAVITS], that no one could be more enthusiastic in support of his position on the Niagara power issue than the senior Senator from Oregon.

There will come before the Senate, as soon as we vote upon the pending motion, my motion to refer the civil-rights bill to the Committee on the Judiciary with instructions to report in 2 weeks. During that 2 weeks' period, the Senate, I feel certain, could dispose of not only the Niagara bill, but also a good many other emergency bills which need attention. We would, at the same time, protect what I think is a very important historic procedural policy of the Senate, namely, that we would at least give our committee an opportunity to let us down, if it wishes to follow that course of action, or to carry out what I think is its clear committee responsibility.

I may say that I also think my motion will give the Committee on the Judiciary now the benefit of the discussion which has been had on the civil-rights bill on the floor of the Senate, and thus might result in a much better bill being reported by the committee than we will ever get by way of the floor compromises which have already started in this debate, with the Senate acting as a Committee on the Whole of the matter of civil rights.

That happens to be my view; and I am going to make a motion, as soon as I am in parliamentary position to do so, which will give the Senate a very much needed—in my opinion—2 weeks' period in which to handle just the kind of emergency legislation in which the Senator from New York is so vitally interested; and on that issue he will find me standing shoulder to shoulder with him.

Mr. JOHNSON of Texas. Mr. President, on that point, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. I wholeheartedly agree with the viewpoint of the Senator from Oregon that the great difficulty now confronting any Member of the Senate who earnestly and conscientiously wishes to have the Senate pass bills in the national interest is that the Senate has no committee report and committee interpretation whatever on the bill in question. Only last night I sent for a selected group of reports which were available.

In the case of the housing bill which the Senate passed this year, 66 pages of the report were devoted to setting forth the history of that legislation and to giving a section-by-section analysis of the bill and interpreting the meaning and far-reaching effects.

The Hells Canyon bill, to which the junior Senator from Oregon [Mr. NEUBERGER] referred, and which the Senate passed, had accompanying it a report of 98 pages; and I believe the report goes into the question of natural resources for the future, the great Pacific Northwest, the comprehensive development, the existing confusion, and the advantages of the high dam, as compared with the features of the other dams. The report does all that in great detail, and includes a section-by-section analysis of the bill.

It is one thing for a Senator to have the benefit of a report on the Hells Canyon bill or a report on the Atomic Energy bill, which has a 34-page report, and to study the fine print and the section-by-section analysis and the recommendations of the committee staff and the views of the Senators who are on the committee, and their interpretation of the bill, and their development of the facts regarding the bill. It is another thing for Senators to have only a naked bill on the calendar, without any analy-

sis of the bill, without any recommendations by the committee staff or by the members of the committee, and without any report interpreting the bill.

I believe that is one of the reasons why Senators have engaged in the discussions which have occurred in the Senate this week, and why there will be similar discussions in the days ahead. In short, if the Senate does not have the benefit of a report on the bill, there will be legislative statements on the bill—statements which will have the same effect as a report on the bill.

Mr. MORSE. Mr. President, I completely agree with the majority leader. One of the advantages which will follow if my motion is agreed to is that the Senate will have, I believe, a report in 2 weeks. I dislike to predict; but my prediction is that I will be very much interested in what I believe will be a report, probably by a majority of the committee—that is to say, a majority of the committee which I think would favor a very much adjusted civil-rights bill, as opposed to no civil-rights bill at all. But I believe the Senate should have the benefit of a committee report, to be used at least as a basis for the debate.

Mr. KNOWLAND. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield to the Senator from California.

Mr. KNOWLAND. I appreciate the statement of the Senator from Oregon. He has been very frank. This is the second time he has indicated that if my motion to have House bill 6127 made the pending business prevails, he will submit a motion to have the bill referred to committee, with instructions. In the same spirit of frankness, let me say that I am sure the distinguished Senator from Oregon would want me to say—he might not want me to say it, but I think I should say it, in the same spirit of frankness—that at that time I will resist such a motion by the Senator from Oregon to have the bill sent back to the committee which for more than 6 months has had before it the Senate version of the bill but has not reported it to the Senate.

Mr. MORSE. Mr. President, I had already taken judicial notice that such would be the position of the Senator from California. But my position is that the committee has not had before it the House bill, and there are differences between the House bill and the Senate bill; and I think the Senate is now entitled to a report on the House bill.

Mr. President, I now return briefly to a procedural matter. I want both the majority leader and the minority leader to know that not one syllable of any word I speak on this subject is intended as any personal criticism of either the majority leader or the minority leader or their leadership. But the Senate is confronted with the parliamentary situation to which I have referred, namely, the holding of committee meetings while the Senate is engaging in debate on the civil-rights bill. I respectfully say to the majority leader and the minority leader that apparently there is no uniform policy in regard to the holding of committee meetings while the debate on the civil-rights bill is occurring in the Senate Chamber, because while I am speaking at this time, a subcommittee of the District of Columbia Committee is meeting and a subcommittee of the Foreign Relations Committee is meeting, although some other committee meetings at this time have not been allowed. There may be other committees which are meeting now but if they are and do not have the Senate's consent it follows that they are meeting illegally.

Therefore I shall object to having any further committee meetings held while the present debate is under way. I do not think there has been any showing of the existence of an emergency which would justify having either one of those committees which I have mentioned meet at the present time. I think the Senate should get this debate on civil rights behind it, and should maintain a completely uniform policy regarding the holding of committee meetings. When I say that, I do not want either the majority leader or the minority leader to think that I am criticizing either of them in the slightest, or that I am implying any criticism of either of them. I simply shall object to having any committees meet until the Senate disposes of the pending motion. I request that any committee now meeting illegally under the rules of the Senate be notified that its meeting is illegal and unofficial.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oregon yield again to me?

Mr. MORSE. I yield.

Mr. JOHNSON of Texas. I appreciate the statement the Senator from Oregon has made, and I appreciate his desire to cooperate with the leadership.

So far as the majority leader is concerned—and I think this is also true of the minority leader—I wish to say we do have a uniform policy regarding this matter, and it is that consent has not been given for committees to meet during the sessions of the Senate.

The committees to which the Senator from Oregon has referred, if they are meeting, are meeting without the knowledge of the majority leader and without the approval of the Senate.

I call the attention of the Senator from Orgeon to paragraph (c) of section 134 of the Legislative Reorganization Act of 1946, reading as follows:

> No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave, while the Senate or the House, as the case may be, is in session.

The majority leader has said to each Member of the Senate who has talked to him—and I may say that more than a dozen have talked to him in the last few days—that it will be necessary for them to arrange to have committee meetings before the Senate convenes or after the Senate adjourns or takes a recess, because several Senators have informed me—just as has the Senator from Oregon—that they object to having committees meet during the sessions of the Senate.

So I should like to have the RECORD show that any Members of the Senate who are attending committee meetings are doing so without leave of the Senate, and in violation of subsection (c) of section 134 of the Legislative Reorganization Act; and I express the hope that when this matter is called to their attention, those committees will conclude their deliberations.

Mr. MORSE. Mr. President, in view of what the Senator from Texas has said, I shall investigate my parliamentary rights in the matter. But pending that, I now serve notice that I shall object to any transaction of business in the committees referred to, namely, the Judiciary Subcommittee of the Committee on the District of Columbia and a subcommittee of the Foreign Relations Committee, which are holding meetings this morning. I object to them holding meetings for the taking of testimony or for any other purpose. I shall press that objection on the basis that anything those committees do, I shall consider to be unofficial and beyond their jurisdiction. I also announce officially that I shall object to the payment with Government funds for any transcript of a record of these unofficial hearings.

Mr. ALLOTT. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. ALLOTT. I should like to ask a question regarding this matter. I have felt many times that the holding of committee meetings during the sessions of the Senate constituted a great imposition, chiefly upon Senators who do not have the benefits of the services of committee staffs that other Senators have the benefit of. I am informed in this connection that this morning a meeting of the Committee on Interior and Insular Affairs is being held—a meeting which I myself was anxious to attend, but I did not feel quite justified in saying to the other members that they could not go on with it.

Do I correctly understand that it is the intention of the Senator from Oregon to have his objection apply to all committee meetings?

Mr. MORSE. Yes; to all committee meetings. The ones stated by me were the only two about which I knew; but if the Committee on Interior and Insular Affairs is holding a meeting, I likewise file objection to its meeting.

LOANS FOR EXPANSION OF THE POULTRY INDUSTRY

Mr. WILLIAMS. Mr. President, on May 20, 1957, I called attention of the Senate to the fact that the Government had six lending agencies which were making loans to finance the expansion of the poultry industry, at a time when there is a serious overproduction of all poultry products. I also called attention to the fact that notwithstanding that the six Government agencies are making loans to finance that expansion, another Government agency was spending $12 million to buy surplus eggs to support the market; I asked the Department to reverse this inconsistent policy which was not only wasting the taxpayers money but bringing ruin to many poultry farmers.

Since that time we have had several conferences at the office of the Secretary. The conference included representatives of the Government lending agencies, representatives of the Department of Agriculture, representatives of the American Feed Manufacturers Association, and representatives of the various farm organizations.

There has been complete agreement reached that this policy should be reversed. Today, at 11 o'clock a. m., the Secretary of Agriculture, through Acting Secretary True D. Morse, released a statement, which I ask unanimous consent to have incorporated in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

USDA ANNOUNCES CREDIT AGREEMENT TO STABILIZE POULTRY INDUSTRY

WASHINGTON, July 11, 1957.—Acting Secretary of Agriculture True D. Morse announced today that governmental and private lending agencies have agreed to cooperate to bring greater stability to the poultry industry in regard to credit that would expand production.

The Acting Secretary's statement follows recent conferences with the agencies on policies for extending credit to the industry.

In the conferences USDA pointed out that the poultry industry's tremendous expansion has from time to time resulted in very low prices to producers. The Department asked the cooperation of officials of the credit agencies, and of the American Feed Manufacturers Association to bring about a better balance between production and demand.

All institutions that extend credit to the poultry industry can help it regain and maintain a strong position by exercising care when extending credit, Acting Secretary Morse said in today's statement. He recommended that particular attention be paid to the industry's productive capacity.

During the postwar years and prior to about 1954 the poultry industry experienced an unprecedented growth due largely to technological improvements in production and marketing efficiencies and to rapidly expanding consumer demand for protein foods. The relatively short supply of red meats also contributed to consumer demand.

Since 1954, however, poultry production has generally exceeded this increased consumer demand, resulting in declining prices to producers. Increased efficiencies in production have continued, but have not been sufficient to offset the lower prices. Consequently poultry producers have been undergoing financial difficulties.

Mr. WILLIAMS. In this statement the Secretary has announced that the Government and private lending agencies have agreed to cooperate to bring greater stability to the poultry industry in restraining credit that would expand production. The Government has agreed that it will curtail further loans by the lending agencies pending the determination of the Secretary that poultry—layers, broilers, or turkeys—are no longer in oversupply. This action now being taken will be a major step toward extricating the poultry industry from the major difficulties which it has faced in recent months. The Secretary has the pledge of the officials of the credit agencies and of the American Feed Manufacturers Association to cooperate. Private industry and the Government working together to curtail further expansion at this time represents a major step in assisting poultry producers attain some degree of stability in this industry.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. BUSH. I wish to congratulate the Senator from Delaware for his efforts in connection with the matter he has just discussed in the Senate. His interest and leadership have had much to do with bringing about the decision which the Senator from Delaware has mentioned. I have tried to cooperate with the Senator because of my very deep interest in the subject. In my State there are some 2,000 chicken raisers, I believe. Therefore, I know at firsthand the great contribution which the Senator from Delaware has made toward a solution of their problems.

For the RECORD, I ask unanimous consent that a press release I made on April 22, 1957, in this connection be incorporated in the RECORD at this point in my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

WASHINGTON, April 22.—United States Senator PRESCOTT BUSH called today for an investigation of Government programs which, on the one hand, loan funds for poultry production, and, on the other, spend large sums in support of the egg market.

"Does it make sense for the Federal Government to loan millions of dollars for the production of poultry and eggs, and then be forced to spend millions of dollars to support the egg market?" the Connecticut Senator inquired in letters to Chairman ALLEN J. ELLENDER, of the Senate Committee on Agriculture, and Senator GEORGE D. AIKEN, the ranking minority member.

"It makes no sense to me, nor to poultrymen and farmers of my own State of Connecticut who with other taxpayers are contributing to the cost of this fantastic contradiction in our national agricultural policy."

Senator BUSH said that for many months he has been concerned with "the plight of poultry and egg producers in Connecticut, and has sought to determine the reasons for the serious problems which confront them.

"The basic cause, as in other fields of agriculture, is overproduction which has glutted markets and depressed prices. Producers are caught in a cost-price squeeze. Government price supports on feed grains have contributed to a high fixed cost of production. Surpluses have been aggravated by the entry of new producers into the market with the encouragement of feed companies, and, indeed, of the Federal Government.

"From July 1, 1954 through March 1, 1957, the Farmers Home Administration made loans totaling $9,690,660 to finance poultry enterprises.

"Since September 27, 1956, to the present, the Department of Agriculture has spent $12,349,975 in an attempt to stabilize egg prices, and this program is still continuing.

"In the interests of poultry producers and of all the taxpayers of the United States, I urge your Committee on Agriculture to make a thorough inquiry into this matter. I hope it will be possible for the committee to make recommendations which will bring an end to what appears to be a shocking waste of the taxpayers' money."

Mr. WILLIAMS. I thank the Senator from Connecticut for his support. The Senator from Connecticut has been very cooperative and of much assistance, along with many other Senators from the Northeast, in working out a solution of this problem, whereby we could get actual cooperation between the Government landing agencies and private industry.

The poultry industry has not asked for Government supports. All that they ask is that Government agencies stop using taxpayers' money to finance further expansion of new poultry facilities at a time when a state of overproduction exists.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Maryland, who likewise has taken an active part in working out a solution of this problem.

Mr. BUTLER. Mr. President, my activity has not been anywhere equal to that of the Senator from Delaware. My purpose in rising is to compliment the Senator from Delaware for the excellent work he has done. We could never understand why there should be spending of Government money for something of which we already have too much. I wish to congratulate the Senator from Delaware for the marvelous work he has performed. I know it has been of great service to the chicken-growing industry.

Mr. WILLIAMS. I thank the Senator from Maryland.

Mr. President, I shall not burden the RECORD with the many resolutions which I have received from poultry producers throughout the country in support of the stand I have taken. I think their attitude can best be summed up by an editorial which appeared in the July 6 issue of the Rural New Yorker, in which there is pointed out the inconsistency in the previous Government policy. The editorial suggests that not only is the policy resulting in a waste of the taxpayers' money, but was actually doing much injury to the American poultry farmers. I am glad this inconsistent policy has been reversed by the Department. I wish to congratulate the Secretary of Agriculture for the action he has taken here today.

I ask unanimous consent to have the editorial appear in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INCONSISTENCY AND WASTE

The American public is indebted to Senator JOHN WILLIAMS, of Delaware, for his placing on the record a glaring example of inconsistency in Government policy.

The poultry business is a top industry in the Senator's home State and he knows the extent to which overproduction and low prices have seriously affected this industry. Now he finds that, while the United States Department of Agriculture has been urging curtailment of broiler and egg production in the major producing areas and, in support of that program, has purchased $12 million worth of surplus eggs in the past 2 years, 6 Government lending agencies have been engaged in financing the expansion of broiler and egg production in other areas. To be exact, there have been loans totaling $35 million made by these agencies during the same period.

This inconsistent policy cannot be defended from the standpoint of either the farmers or the taxpayers. Poultrymen have never sought Government supports, but they certainly have every right to protest against the

Government's active financing of additional unnecessary competition. It might also be asked why there must be six lending agencies all engaged in similar projects. A quick consolidation is in order, at least for the purpose of acquainting the right hand with what the left hand is doing.

Mr. COTTON. Mr. President, I wish to join the distinguished Senator from Delaware and other Senators in commending the Secretary of Agriculture for his action in curbing the abnormal increase in the output of the poultry industry as a result of Government loans by six different agencies, to the detriment of the industry, which is one of the primary and fundamental industries of my own State. I think the Senator from Delaware is to be commended for his activity in this matter. I have been concerned with the situation for several months. Now that we have the ball rolling and action is taking place, I am relieved and reassured.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. ALLOTT. At the moment when the Senator from Delaware was commenting on this subject, I was otherwise engaged on the floor of the Senate. I wish to associate myself with the very excellent statement made and the position which the Senator from Delaware has taken in commending the action the Department of Agriculture has taken, and I also wish to associate myself with the remarks of the Senator from New Hampshire. This is a great step forward, and I believe the country and the Congress deserve to know about it, and have an opportunity to recognize the progress which is being made upon this front.

THE CASE FOR EQUAL LEGAL RIGHTS

Mr. BUTLER. Mr. President, I had the pleasure of contributing an article to the July issue of National Business Woman, the magazine published by the National Federation of Business and Professional Women's Clubs, Inc., wherein I outlined the many persuasive arguments in favor of the adoption of the equal-rights amendment. In view of the importance of this proposal to the women of America, I ask unanimous consent to have the article entitled "The Case for Equal Legal Rights" printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR EQUAL LEGAL RIGHTS

(By Senator JOHN MARSHALL BUTLER)

I am very happy to have this opportunity to discuss Senate Joint Resolution 80, commonly known as the equal rights amendment. This amendment, which I introduced early in April, is not new but was first suggested in 1923. Since that time, it has been introduced in every single Congress. It was passed by the Senate in the summer of 1953, but was not considered by the House. The support of equal rights for women has been written into the Republican Party platform since 1940 and the Democratic Party platform since 1944.

In this session, I sincerely hope that we will be able to live up to those campaign promises and to fulfill the hopes and expectations of so many American women. I am proud to be chief sponsor of this measure in conjunction with a large number of other honorable Members. Now at last the prospects for the success of the resolution seem bright.

The evils which this amendment seeks to cure are many. There are States in this Union where women are denied the fundamental right to serve on juries, where women cannot own property except with their husbands' approval, where women are denied the rights of natural guardianship, where women do not even have full control of their own personal earnings. These evils have a historical basis in the inferior position of women in medieval days and under the old English common law, but they have no sound and reasonable basis in 20th century America.

American women today do not deserve the stigma of inferiority and incompetence that those laws carry. Many of the laws which stem from a more enlightened desire to protect women against industrial abuses are out of date today. For the hours and conditions that were once established as a special favor for women workers are now widely recognized as the minimum prerequisites for any good and efficient worker, male or female. And the other benefits, like maternity or sick leave privileges, which would be applicable only to women, would be no less valid than the legislation which has been passed, for instance, to assist veterans. For special needs there will always have to be special provisions.

Socially, politically, and economically, American women have demonstrated their abilities and their potentialities. It only remains for us to acknowledge constitutionally the position that they deserve actually. By approving this resolution, we will be starting it well upon the road to ratification. We will be showing to American women and to the women of the whole world that America recognizes ability and accomplishment wherever they may be found.

The social and political implications of this measure are important and far-reaching. But I should like above all to deal with the economic consequences that we might reasonably expect from the equal rights amendment. For the position of women in the economy of this country is extremely significant, but all too often neglected.

There are at the moment approximately 21 million women in paid employment in the United States. That represents 35 percent of all women 14 years old and over and 32 percent of the total labor force of the country. By 1975, the population of the United States is expected to increase from its present figure of 167 million to a new high of 227 million. This rapid increase is caused by the fact that each year there are approximately three million more births than there are deaths. One of the most important shifts that will result from this population growth will be the greater number of persons below the age of 20 and above the age of 65. As a result, the working-age group of 20 to 65, which today represents 58 percent of the total population, will in 1975 represent only 52 percent of a greatly increased total population.

The meaning of that figure is clear. In order to maintain in 1975 the same standards of living and productivity that we are enjoying today, we shall in all probability need to draw even more heavily upon the women of America. We shall have an economy that requires skilled and able workers, but unless we can utilize the untapped resources of hitherto unemployed women, we shall not have the skilled and able workers necessary to keep it running.

These figures are very significant. Today there may be a few people still who are old-fashioned enough to think that a woman's place is only in the home. Tomorrow there will be no room for such thinking at all.

The need for more trained workers to support a larger population upon the higher level that we hope to achieve can be met, as has been pointed out, only by drawing ever more heavily upon the women who are not in the labor force today and who are perhaps not even thinking of joining it.

How can we persuade those women to undertake jobs outside of their homes? For, incidentally, whereas only 35 percent of America's women over 14 are employed out of their homes, there are 55 percent who devote their full time to homemaking and 7 percent who are still attending school, leaving only 3 percent not actually working somewhere. How then can the 55 percent still at home be persuaded to contribute their talents on a wider basis?

The answer, I believe, can only be found in the passage of a simple yet comprehensive measure like the equal rights amendment. Only by removing the various differentials that militate against the employment of women can we persuade these women, many of them extremely able and ambitious, to seek outside jobs.

The discrimination that exists in industry and many of the professions takes many forms. There is the direct and obvious fixing of wage differentials. Thus women may perform the very same work as men but receive appreciably smaller wages. This type of discrimination would be completely outlawed by the amendment. Or there are the various subtle policies that retard the promotion of able women, that limit their access to special facilities or that make tacit assumption of their inabilities. These methods are harder to attack. But there can be no doubt that the equal rights amendment, should it go through, would contribute immeasurably to an atmosphere in which outdated prejudices would be discarded and women would be judged solely on their own merits.

Am I looking too far into the future? Am I describing conditions that may never come to pass? Can it be argued that when the labor shortage occurs, higher wages and greater benefits will always increase the supply of workers and that by 1975 women will be enjoying equal rights even without the benefit of this resolution?

I should like to point out to you an interesting situation in the present labor market which bodes ill for the future unless we do take an active role in eliminating wholly unfounded discrimination. The increasing shortage of scientifically trained personnel, especially the problem of the Government, for instance, in finding and holding chemists, physicists, engineers, is common knowledge. This is a shortage that cannot be filled merely by raising the salaries of scientists, for there simply do not exist enough trained people to bridge the gap. The problem here is to encourage young people to undertake the long and arduous education that these fields require. And I consider it very interesting and very significant that these are the last fields to become generally open to and respectable for women. Already today we are feeling the deficiency that was caused by a lack of foresight in the past, a deficiency that cannot be wholly made up now at any price whatever.

Why have women not made a greater effort to find a place for themselves in scientific work? Why have women not been willing to study science, mathematics, and engineering? Is the answer not to be found in the social conditioning of women beginning in childhood when some professional pursuits are arbitrarily tagged masculine and therefore unladylike?

This attitude, I believe, has helped to cause a dangerous situation in our economy. The cure for it is neither easy nor immediate, but the first step must be an effort to equalize opportunities for women in this crucial

area. And the first step in equalizing opportunities, I sincerely believe, should be the passing of the equal rights amendment. Only by removing all relics of discrimination can we insure the Nation an adequate supply of trained scientists, men and women.

It is difficult to estimate in dollars and cents the price that we are paying for our discrimination against women. One authority (Elmo Roper) has estimated the cost of all types of discrimination to be as much as $30 billion. A large part of that sum, I am sure, is wasted because women have not been encouraged to train and prepare for important and challenging jobs, because they have been given inferior positions at inferior wages.

We owe it to the women at work today and to the women who will be the workers of tomorrow to pass the equal rights amendment. I am not expecting the amendment to effect miracles overnight, to raise all women immediately to executive positions. But I am expecting that the passage of this amendment will eliminate some of the factors that have kept women either at home or at a less demanding type of work than they are capable of. It will surely hasten the disappearance of an outdated, economically unjustified prejudice against women workers. By thus providing greater opportunities and greater security for women in the labor force, this measure would benefit the whole economy.

In a world divided against itself, we cannot afford to neglect or minimize the women of America. They have always done their share, and more besides, without complaint or hesitation. Let us acknowledge their achievements of the past. And let us open the way for them to make still greater achievements in the future by giving the stamp of approval to the proposed equal rights amendment.

THE NIAGARA RIVER POWER AUTHORITY BILL

Mr. LAUSCHE. Mr. President, I desire to direct my remarks to the bill which is the unfinished business of the Senate dealing with the Niagara Power Authority. The Senator from Ohio joined with the Senator from Pennsylvania [Mr. CLARK] in asking that the bill be amended so as to increase the quantity of power which will be made available to Ohio and Pennsylvania governmental agencies from the level of 10 to 20 percent.

This morning the junior Senator from New York [Mr. JAVITS] expressed his hope that the Niagara bill would be considered by the Senate at an early date. I join in that hope.

It is, however, thoroughly apparent that while the civil-rights bill is under discussion and has priority, the ability of the Senate to consider the Niagara Power Authority bill is completely nullified.

Some remarks have been made to the effect that the Senator from Pennsylvania and the Senator from Ohio have been indulging in obstructionism in attempting to block the consideration of the bill. I merely want the RECORD to show that I favor the passage of the bill. I cannot, however, sacrifice the rights of Ohioans by yielding to what I believe to be an inadequate grant of power solely for the purpose of expediting the passage of the bill. If it is obstructionism to ask for a day in court, then I plead guilty to the charge. However, if it is virtue to fight for the rights of my constituents by asking that they be given what I believe they are entitled to, then I say I am thoroughly within my rights in joining with the Senator from Pennsylvania in the sponsorship of the amendment.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Oregon.

Mr. MORSE. I wish to associate myself with the remarks of the Senator from Ohio. I should like to say to him, however, that he must become accustomed to the kind of references which have been made to him and to which he alludes this morning. As one in public life exercises the honest independence of judgment which characterizes the Senator from Ohio, one must expect to be called a lot of names. I know that is not going to bother the Senator from Ohio any more than it bothers the Senator from Oregon, because we have one duty here, and that is to follow the facts where we think they lead even though others may disagree with our conclusions.

I am proud to be associated with the Senator from Ohio in the statement of independence he has made here this morning, and also his reaffirmation of his dedicated duty to the people of the State of Ohio, which is the same as the duty I owe to the people of Oregon.

Mr. LAUSCHE. I thank the Senator very much.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. LAUSCHE. I yield to the Senator from New York.

Mr. JAVITS. I hope the Senator will indicate in his remarks who said that both he and the Senator from Pennsylvania were obstructing passage of the bill. I am prompted to come to my feet even under the danger that by rising and referring to the matter there may be some implication that I am conscious of such statement, when I am not. I disclaim any knowledge of it. Neither the senior Senator from New York [Mr. IVES] nor the junior Senator from New York, to my knowledge, feel such a charge to be justified. We feel that the Senator from Ohio has a perfect right to propound his thesis, based on the merits of his case, in the greatest of friendship and good will. Indeed, we hope we shall all vote for the bill together, whatever may be the outcome.

Mr. LAUSCHE. I am glad to hear the statement made by the Senator from New York.

I may say that not more than 15 minutes ago a representative of the Gannett newspapers made the statement to me that some Members of the House had made statements, and statements were made by others, indicating that there was involved a deliberate effort on the part of the Senator from Ohio. The Senator from Ohio was not specifically referred to, but the putting of the query to me indicated to me that I was the one in mind.

I gladly receive the word of the Senator from New York that he understands I am simply trying to represent my constituents, as the Senator from New York is desirous of representing his constituents.

I can suffer criticism. I would not be able to suffer the consciousness that I abdicated my responsibility.

I gladly hear what the Senator has said. I did not believe the Senator would charge to me the type of conduct indicated by the reports.

Mr. JAVITS. May I say also that I feel sure the senior Senator from New York [Mr. IVES], who is not in the Chamber at this time, has the same attitude I have taken. I speak with confidence about his position. Both of us will undertake any sacrifice to preserve for the Senator from Ohio and the Senator from Pennsylvania and ourselves exactly these rights, and we would have done exactly as the Senator from Ohio has done in the circumstances.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. JOHNSON of Texas. Mr. President, I have a slight responsibility in connection with bringing this matter before the Senate. The majority policy committee had previously favored a bill on this subject.

The senior Senator from Oklahoma [Mr. KERR] was very anxious to get the Niagara power bill before the Senate and to have it acted upon before consideration of the motion of the Senator from California, if at all possible.

The Senator from Ohio and the Senator from Pennsylvania never, at any time, intimated or suggested that action be withheld. I should like to point out, for the benefit of the RECORD, that the Senate proceeded to the consideration of the Niagara power bill by unanimous consent. Each and every Member of this body could have objected to that action if they had so desired.

I want the RECORD to show exactly what the Senator from Texas has said on this subject, so that at the conclusion of the civil rights discussion every Member may know what to expect.

Mr. JOHNSON of Texas. Mr. President, the Senator from New York understands, I am sure, that I heartily favor the bill. I shall do what I can to have it brought to a vote in this body as soon as possible.

Later I said:

Mr. President, I did not say the Senate will act on it; but action can be taken under the motion which I assume the Senator from California will make. I intend to bring the bill before the Senate before adjournment.

Later I said:

Mr. President, the minority leader has pointed out that he does not intend to have other proposed legislation brought before the Senate except measures of an extreme emergency nature, which can be agreed upon by unanimous consent. That is the decision of the minority leader, and, I assume, of this administration. They will have to accept the responsibility for it. I have heard today of many emergency measures. I assume that a substantial number of Members of the Senate believe that the motion about to be made by the Senator from California is of an emergency nature.

Later the Senator from Tennessee [Mr. GORE] asked me about the TVA bill, and I gave him this assurance:

I thank the Senator from Tennessee. I assure him that I shall urge the Senate at the appropriate time to give consideration to the Tennessee Valley bill, in which he is so deeply

interested. I share his great admiration for the distinguished senior Senator from Oklahoma.

Mr. President, any assumption that the Senator from Ohio or the Senator from Pennsylvania did anything to hold up the Niagara power bill is false, unwarranted, unjustified, and unfair. The Senator from Pennsylvania talked to me about amendments which he intended to propose, and he followed the procedure which a diligent, reasonable, and fair legislator would follow. He suggested that I meet with him and other Members of the Senate and give consideration to amendments he intended to propose when the bill was brought before the Senate.

In fairness, I think I should say that it was by general agreement with the Senator from Illinois [Mr. DOUGLAS], the Senator from Georgia [Mr. RUSSELL] and the Senator from California [Mr. KNOWLAND] that no action was taken on the subject of civil rights before July 8. But we all understood that on July 8 a motion would likely be made; and on July 8 I was informed by the Senator from California that he would make such a motion. Therefore we did not have an opportunity to pass the Niagara bill that day. It is the unfinished business. When the Senate votes on the motion of the Senator from California, if it votes for the motion it will vote to displace the Niagara bill. If a majority votes to displace the Niagara bill, as it well may, it will be the purpose of the Senator from Texas to try to bring the Niagara bill before the Senate, along with the TVA bill, before we conclude our deliberations this year.

Mr. LAUSCHE. Mr. President, may I ask the Senator from Texas a question?

Mr. JOHNSON of Texas. Certainly.

Mr. LAUSCHE. Am I correct in my understanding that under the present status of the discussions now in progress on the motion which is pending before the Senate, no other business will be considered except that having a definite emergency character, to which approval has been given by the majority leader and the minority leader?

Mr. JOHNSON of Texas. That is the notice which the minority leader has given the majority leader. He does not desire to have any other proposed legislation brought forward except that of an emergency nature which can be considered by unanimous consent. In other words, I think it is felt that if we were to take up various bills during the time this discussion is taking place, we would prolong the discussion; and it is not desired to do that.

Mr. LAUSCHE. I should like to address an observation to the Senator from New York. It is thoroughly obvious that if the declared policy is followed not a single Member of the Senate could succeed in bringing any measure up for consideration unless unanimous consent were obtained.

Mr. JOHNSON of Texas. That is the policy which prevails at the present time.

Mr. LAUSCHE. From my standpoint, I cannot give unanimous agreement to the consideration of that bill until I have had an opportunity to have the plea of Ohio heard. That is all I have to say on the subject.

Mr. JOHNSON of Texas. I can assure the Senator that so long as the present motion is pending, and so long as the minority leader maintains the policy which he has laid down, neither the Niagara bill, the TVA bill, nor any other bill can be brought before the Senate except by unanimous consent.

Mr. CLARK. Mr. President, I wish to thank the Senator from Texas and the Senator from New York for their kind remarks with respect to the attitude which the junior Senator from Ohio and I have taken with respect to the Niagara bill. I assure my good friend, the Senator from Oregon [Mr. MORSE] that I, too, have a thick skin in this situation. I am not at all worried about the slings and arrows of outrageous fortune regardless of the source from which they come.

In order that our position may be abundantly clear, I wish to state for the RECORD that I did object to bringing up the Niagara bill by unanimous consent at a time when the minds of Senators were concentrated on civil-rights legislation, and when because of the pressure on the Members of the Senate, a bill which in the judgment of the Senator from Ohio and myself was grossly unfair to our constituents, would have been rushed through the Senate. I did not have then, and I do not have now, the slightest objection to bringing up the Niagara bill at any time it suits the convenience of the majority leader and the minority leader, if we are assured that we shall have ample time for orderly debate and consideration of what we deem to be the just needs of our constituents in Ohio and Pennsylvania, without pressure on the part of our colleagues to get it through so that we can turn to something else. That was my position then, and it is my position now.

I am happy indeed that my good friend the majority leader shares those views, as does my good friend the Senator from New York [Mr. JAVITS].

Mr. President——

The PRESIDENT pro tempore. The Senator from Pennsylvania.

COMMITTEE MEETING DURING SENATE SESSION

Mr. CLARK. Mr. President, I hope I may have the attention of my good friend the senior Senator from Oregon [Mr. MORSE] to what I am about to say.

It is my understanding that the senior Senator from Oregon raised, on the floor, an objection to a continuation of the hearings on the District of Columbia home-rule bill, which hearings were being conducted in the District Committee room during the course of this morning's meeting of the Senate, under my sponsorship as chairman of the subcommittee.

I should like to have the RECORD show that inadvertently, and through my own misunderstanding, I was under the impression that the Senate was convening this morning at 11 o'clock, instead of 10:30. The subcommittee did continue in session after the time when the Senate convened, but as soon as word was brought to me that the distinguished Senator from Oregon objected to further testimony being taken in support of the bill, of which he is not in favor, I recessed the hearing.

I should like to have the RECORD show that I think my friend from Oregon was completely within his rights. I regret that the subcommittee continued with the hearing for a little longer than it probably should have done.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MORSE. I assure my friend from Pennsylvania that my objection did not refer to him in any way whatsoever. I objected not only to his subcommittee meeting but to all committee meetings during the session of the Senate. There were other committee meetings besides the meeting of the subcommittee of which the Senator from Pennsylvania is chairman.

I took the position that, if we are to have a policy in this connection, so far as I am concerned it will be a uniform policy, and not a selective one. Procedures are available to us to handle emergency matters; and, until such emergency matters arise, I feel that a uniform procedural rule must apply to all committees. I have made it clear that I think the committees which met this morning met illegally and contrary to the rules of the Senate.

Mr. CLARK. After 10 o'clock a. m.

Mr. MORSE. After 10:30 o'clock a. m.

Mr. CLARK. Our subcommittee convened at 9:30.

Mr. MORSE. It was illegally in session at any moment it sat after the convening of the Senate, without the consent of the Senate.

I have served notice that I have a standing objection to any committee meeting at any time the civil-rights debate is in progress.

ECONOMIC SUCCESS OF TOWNS THROUGHOUT THE COUNTRY

Mr. KENNEDY. Mr. President, I have recently received a very distressing letter from Mr. Leo P. LaChance, of the Gardner Industrial Foundation, in Gardner, Mass. Mr. LaChance confirms my own information that the town of Gardner is experiencing a very severe economic slump. Long-established businesses are closing their doors because of the dim economic prospects in this community.

I call this matter to the attention of the Senate not only because of my deep concern for the welfare of the citizens of this community, but because this situation in Gardner is typical of the experience of many other towns throughout our country which have been hard hit economically because of a variety of factors beyond the control of local residents. These communities do not share the relative prosperity of the country as a whole and they have received but little consideration by the present administration. In general, Federal procurement has not served to the extent that it might as a cushion against adverse economic circumstances. I am alarmed at the fact that a decreasing percentage

of military-contract dollars is going to small business and that more than 95 percent of the research and development contracts are going to giant corporations, thus placing them in a highly favorable position when the time comes to let production contracts.

In this connection, I might again call the attention of my colleagues to the necessity of action on legislation now pending before the Senate, S. 964, the so-called area-redevelopment bill which I have cosponsored. This measure, if enacted, would provide an effective tool which could be used to assist communities like Gardner in their efforts to restore the prosperity which is their due. In the meantime, I again strongly urge that the administration apply itself more diligently than it has to date to the adjustment of Federal procurement policy to the end of providing interim assistance to economically hard-hit communities. Let us not forget that we are not merely dealing with cold statistics on income, sales, and employment when we consider the plight of a town like Gardner. For behind each statistic is a tale of human suffering—human suffering which it is our obligation to assist in alleviating.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, before the morning hour is concluded, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Hayden	Morse
Anderson	Hill	Morton
Barrett	Holland	Mundt
Beall	Hruska	Murray
Bible	Humphrey	Neuberger
Bricker	Ives	Pastore
Bush	Javits	Potter
Butler	Jenner	Revercomb
Carroll	Johnson, Tex.	Robertson
Case, S. Dak.	Johnston, S. C.	Russell
Chavez	Kefauver	Saltonstall
Church	Kennedy	Schoeppel
Clark	Kerr	Scott
Cooper	Knowland	Smith, Maine
Cotton	Kuchel	Sparkman
Curtis	Langer	Stennis
Dirksen	Lausche	Symington
Douglas	Malone	Talmadge
Dworshak	Mansfield	Thurmond
Ellender	Martin, Iowa	Thye
Ervin	Martin, Pa.	Wiley
Flanders	McClellan	Williams
Frear	McNamara	Yarborough
Goldwater	Monroney	Young

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Washington [Mr. JACKSON], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Connecticut [Mr. PURTELL] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] and the Senator from New Jersey [Mr. SMITH] are absent on official business.

The Senator from Utah [Mr. BENNETT] and the Senator from Kansas [Mr. CARLSON] are detained on official business attending hearings of the Senate Committee on Finance.

The Senator from Vermont [Mr. AIKEN], the Senator from New Jersey [Mr. CASE], and the Senator from Utah [Mr. WATKINS] are detained on official business.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names; a quorum is present.

PUBLIC WORKS PROJECTS

Mr. JOHNSON of Texas. Mr. President, the Committee on Appropriations will meet tomorrow to consider the recommendations of its Subcommittee on Public Works on projects which are of the utmost importance to the Nation. In this connection, I should like to have the attention of the Senator from Louisiana [Mr. ELLENDER].

Every section of the country will be affected by these recommendations.

The Senators composing the Public Works Subcommittee, let me say, have approached their task with a seriousness befitting its importance. They have worked long and hard. They have lent attentive ears to evidence in support of the projects they were considering. They have been patient; they have been diligent; they have been conscientious.

Mr. President, I have personal knowledge of the earnestness and industriousness that the senior Senator from Louisiana [Mr. ELLENDER] has brought to his work as chairman of the Public Works Subcommittee. He is an expert in the field of rivers and harbors improvement. He is fully aware that our water resources constitute our most valuable single asset as a Nation. He knows that money spent for control and development of these resources is an investment in the future of our country.

The Senator from Louisiana has had working with him on the subcommittee other Senators whose efforts have measured up completely to the high standards of performance required by the task they faced. To all of them I offer my sincere compliments on a big job and an important job well done.

The subcommittee has had the services of an expert and conscientious staff. I know personally of the many hours of extra-duty effort Kenneth Bousquet, staff member of the Appropriations Committee, has devoted to the bill. He and other staff members deserve the highest commendation.

As to the historical background of this bill, the President's budget recommended the appropriation of $462,655,000 for the civil functions of the Corps of Engineers.

The House gave careful consideration to this recommendation. It eventually approved the appropriation of $431,086,800.

We shall be officially informed tomorrow as to the recommendations of the full Appropriations Committee of the Senate, which, as I have stated, will meet tomorrow to consider the recommendations of its Public Works Subcommittee.

Personally, I expect to support those recommendations. I say that in the knowledge that no group of men could have done a better job than the one done by those who will offer these recommendations. I say it, too, in the earnest conviction that we have not been making large enough investments in the Nation's water development program.

I recently asked the Legislative Reference Service of the Library of Congress to find out for me how much money the Federal Government has spent for flood control and the development of our water resources during the entire history of the United States, from its very beginning.

Mr. President, I learned that total expenditures of Federal funds for this purpose since our Nation was founded amount to $16,800,000,000—less than $17 billion.

Mr. President, since the end of World War II the United States has spent some $60 billion for aid to other countries.

No matter how wise and necessary the foreign-aid expenditures were, the contrast is most striking: Less than $17 billion, in our entire history, for flood control and development of water resources; $60 billion in 12 years for foreign aid.

Our investments in water-development projects have not been large enough. We are going to have to do more.

We are going to have to survey all the important river basins in our Nation. We are going to have to build dams where they are needed—many dams—big dams, high dams, and little dams. We are going to have to demand close collaboration between the Corps of Engineers and the Bureau of Reclamation, as the two agencies mainly concerned with these projects.

I have never hesitated to urge appropriations for projects in my own State, or to support appropriations for projects in other States, when evidence has been submitted to show the necessity and value of such projects.

I have never regretted a single vote I have cast in support of such projects.

During recent weeks, I have conferred dozens of times with the senior Senator from Louisiana [Mr. ELLENDER], in his capacity as chairman of the Public Works Subcommittee. I have obtained from communities in Texas supporting data to back up claims that projects affecting them were justified.

I have urged specific appropriations for specific projects—always on the

sound basis that the amounts requested would pay dividends for many many years into the future.

Mr. President, at this time I shall list the requests I have made of the subcommittee. I renew my commendation of the very diligent, able, and conscientious way in which the senior Senator from Louisiana [Mr. ELLENDER] has performed this vital mission, and has performed it to the credit of the entire body.

The Texas projects for which I have urged approval are as follows:

Brazos Island Harbor, $1,000,000 for construction.

Buffalo Bayou, $2,900,000 for construction.

Cooper Reservoir and Channel, $275,000 for planning and $225,000 to begin construction.

Corpus Christi Bridge, $1,400,000 for construction.

Denison Reservoir Willis Bridge, $1,000,000 for construction.

Ferrells Bridge Dam and Reservoir, $3,294,000 for construction and providing for orderly payment of local contributions.

Galveston seawall, $1 million for construction.

Houston Ship Channel, $1 million for construction.

Port Aransas-Corpus Christi Channel, $1 million for construction.

Proctor Dam, $100,000 for planning.

Red River levees below Denison Dam, $300,000 for construction.

Sabine-Neches Waterway, $980,000 for construction.

San Antonio Channel, $500,000 for construction.

Waco Dam, $150,000 for planning, and authority to begin construction with locally provided funds.

Pedernales River survey, $35,000.

San Gabriel River resurvey, $25,000.

Trinity River, Lake Liberty, and Fort Worth area survey, $50,000.

Sanders-Colliers-Big Pine Creeks survey, $40,000.

White Oak and Cypress Creeks survey, $40,000.

Lavon Dam and Reservoir, $30,000 for survey below dam.

Holliday and Plum Creeks, $32,000 for survey.

Big Fossil Creek (Trinity River) survey, $15,000.

Taylor County creeks survey, $25,000.

Lower Colorado River survey, $25,000.

Lampasas Reservoir, $100,000 for planning.

Sulphur Creek, $30,000 for planning.

Guadalupe River (Victoria Channel), $248,000 for planning and construction.

Intracoastal Waterway—realine route near Aransas Pass—$890,000 for construction.

Lake Texoma recreational facilities, $235,000 for construction.

Magee Bend Dam, $500,000 for construction. In addition there is a carryover fund, previously appropriated, of $3 million for construction of this project.

I will be at the committee meeting tomorrow and will be working for approval of these project appropriations.

THE IMPORTANCE OF FEDERAL FUNDS TO COMMENCE ENGINEERING WORK ON A BRIDGE AT BALBOA, OVER THE PANAMA CANAL

Mr. WILEY. Mr. President, very often in one of the appropriation bills which the Senate passes, some item which, to us, is comparatively small, shapes up as a very large one in the eyes of a foreign nation.

As an illustration of that point, I cite a relatively small item in the supplemental appropriations bill which was presented to the Congress on June 18, for the 1958 fiscal year. Included in that bill is an item for $1 million for the purpose of initiating engineering studies and starting the preliminary designing work on a bridge over the Panama Canal, at Balboa, in the Canal Zone.

In my judgment, this relatively small item must very definitely be included in the final version of the supplemental appropriation bill which is enacted. Only in that way can we keep faith with the Government of the Republic of Panama, to whom we have promised, as far back as 1942, the construction of a bridge at this spot, or possibly an alternative tunnel, which then was considered a possibility.

Last year, the $1 million to begin work on the project was recommended by the Senate Appropriations Committee, and was approved by the Senate. Unfortunately, however, this item was removed from the final conference report on the bill.

It is my earnest hope that this time we shall not fail to include the item.

I need hardly remind my colleagues that we have enjoyed excellent relations with the Republic of Panama. I need hardly remind my colleagues of the continuing importance to us and to the Free World of the Panama Canal.

I would remind my colleagues that our unfortunate failure actually to begin construction of this bridge has been a subject of deep disappointment to our friends in that country.

We of the United States rightly pride ourselves that we always keep our word. We never break our commitments. It is not our intention to do so in this instance.

Yet, if, through a misguided sense of so-called economy, we were once more to fail to act on this relatively small item, it would be regarded by Panama as a very serious breach of faith on our part.

I send to the desk a brief memorandum describing the historic background of our commitment to construct a bridge at Balboa. I ask unanimous consent that it be printed at this point in the body of the RECORD.

I earnestly hope that my colleagues of the Senate and House Appropriations Committees will pay due heed to this modest but extremely significant item. It is very important in this period, in connection with our international relations.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

HISTORIC BACKGROUND CONCERNING UNITED STATES COMMITMENT TO PANAMA TO CONSTRUCT A BRIDGE AT BALBOA, C. Z.

This Government officially recognized the long-standing request of the Panamanian Government for construction of a bridge over or tunnel under the Panama Canal at Balboa, C. Z., in a formal agreement between the United States and Panama effected by exchange of notes signed at Washington on May 18, 1942. Point 4 of that agreement provided as follows:

"The Government of the United States is well aware of the importance to the Government and the people of Panama of constant and rapid communication across the Panama Canal at Balboa and is willing to agree to the construction of a tunnel under or a bridge over the canal at that point, when the present emergency has ended. Pending the carrying out of this project, the Government of the United States will give urgent attention, consistent with the exigencies of the present emergency, to improving the present ferry service."

After the termination of the Second World War officials of the Panamanian Government talked with officials of this Government with regard to the construction of the aforementioned bridge or tunnel. Nothing definitive was decided upon but in 1953, upon agreement by this Government at the request of the Panamanian Government to open conversations whereby new treaty requests might be accepted by this Government for consideration and negotiation, the Panamanian Government set forth anew its request for the construction of a bridge or tunnel at Balboa. In recognition of the prior commitment by this Government in 1942 this new request was incorporated as item 5 in the memorandum of understandings reached which accompanied and formed an integral part of the treaty of 1955 between the United States and Panama. Item 5 of the memorandum reads as follows:

"Legislative authorization and the necessary appropriations will be sought for the construction of a bridge at Balboa referred to in point 4 of the General Relations Agreement of 1942."

During the 1956 session of the Congress after much discussion as to which construction would be more desirable, a bridge or a tunnel, the Congress determined that it was more feasible and less expensive to construct a bridge over the Panama Canal at Balboa. Accordingly, on July 20, 1956, the Congress passed the enabling legislation which authorized the Panama Canal Company to construct, maintain, and operate a high-level bridge over the Panama Canal at Balboa, and that the expenses of construction, maintenance, and operation of such bridge and the approaches thereto would be treated as extraordinary expenses incurred through a directive based on national policy and not related to the operation of the Panama Canal Company. In July 1956, President Eisenhower attended the Conference of Presidents of the American Republics in Panama and while in Panama he signed into law the enabling legislation.

During the 1957 session of the Congress the Panama Canal Company sponsored an appropriation bill which obtained the approval of the Bureau of the Budget and the White House requesting that $1 million be appropriated for the purpose of initiating engineering studies and starting the preliminary designing and work on the bridge. It had been estimated that the total cost

of construction would amount to $20 million. This appropriation request was included in the third supplemental appropriations bill for fiscal year 1957. This portion of the bill, however, was stricken by the House Appropriations Committee before reporting the bill out of committee. When the appropriations bill was considered by the Senate Appropriations Committee this item was retained and after being reported out the Senate voted on it favorably. At the time of joint meeting of the conferees of the Senate and the House, the House view prevailed and the request died in the joint committee.

INVESTIGATION OF THE WAGE SCALE MAINTAINED BY THE DEPARTMENT OF DEFENSE ON OKINAWA

Mr. HUMPHREY. Mr. President, for some time I have been deeply concerned about the situation in Okinawa. Last week during the floor debate following the speech of the Senator from Massachusetts [Mr. KENNEDY], on Algeria, several Senators suggested that our own skirts had always been clean on the question of colonialism. The situation on Okinawa at the moment brings these reassuring statements into some doubt.

I have been disturbed to read reports similar to the one which appears in the current issue of the Progressive. This is an article entitled "Our Blindspot in Asia." It is written by Helen Mears. I ask unanimous consent that the text of the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR BLINDSPOT IN ASIA

(By Helen Mears)

A major American blindspot today is our unwillingness to face the fact that the most powerful agent of communism has been, and is, the wide gulf between the professed principles and actual practice of the West in the area of foreign policy. In their appeal to Asian peoples today our political leaders insist that our society mirrors a set of principles that presents to other peoples a recognizable, preferable, and attainable alternative to communism.

Explaining the aims of United States policies, Secretary of State Dulles has said:

"The American people believe in a moral law and that man and nations are bound by that law. And of moral precepts, one of the most basic is the concept of the brotherhood of man. * * *

"Another aspect of our faith is belief in the dignity and worth of the human individual everywhere. All men, our Declaration of Independence said, are endowed with inalienable rights of life, liberty, and the pursuit of happiness.

"That is why we hate a system which treats man as mere bits of matter to be made into the grinding cogs of some superstate machine. That is why we crave liberty for all men everywhere; and we want to protect liberty where it is, and to see it restored where it is lost."

These are noble words; they express noble aspirations. Transformed into policy they might literally spark a worldwide upsurge of faith and hope that would revolutionize international relations. But it is a tragic fact that although our political leaders incessantly praise such principles, and claim that they seek their fulfillment, their actual policies only too often seem to represent the precise opposite.

For example, there is Okinawa, which some of our journalists and Congressmen call a "showcase of democracy." If Okinawa is, in fact, a showcase of American democracy, then Asian leaders must be excused if they fail to understand the difference between American democracy and Communist enslavement.

The facts of our rule of Okinawa are so scandalous that when described in blunt language they seem unbelievable. The facts that follow are largely taken from an official report of a special subcommittee of the Armed Services Committee of the House of Representatives, which conducted an investigation in Okinawa under the chairmanship of Representative MELVIN PRICE. Its report was released in 1956. Unless otherwise noted, all direct quotations in this account are taken from the Price report.

United States troops took the Japanese island of Okinawa by conquest during World War II, and ever since our military leaders have treated the island as though they owned the land and the people and could deal with them as they chose. The government, in effect, is a military dictatorship. Responsibility is vested in the Army. American rulers of the island have permitted some responsibility to the native people on local levels, and in the spring of 1952 a native central government was formally established. The legislature of this native government is popularly elected. The native chief executive, however, is appointed by the United States civil administration. The American military governor has overall veto power.

Our right to be in Okinawa, 11 years after the end of the war and 4 years after the peace treaty became effective, is explained by the Price report in these terms: "We are in Okinawa: first, by conquest; second, by reason of the peace treaty with Japan, and third, by policy statements of our government. * * *"

In other words we are there by conquest. The decision to retain control was primarily a military decision. When the peace treaty with Japan was written (Dulles has stated that he wrote the treaty), the United States retained the right to continue to administer and control Okinawa (and a broad surrounding area) for an unstated period. There was, however, nothing in the treaty that assumed that the United States could make a unilateral decision to remain indefinitely; and in fact the peace treaty contained the suggestion that the United States might propose a U. N. trusteeship. The legal basis for developing the whole island as a base is highly questionable.

Today the United States Government takes the position that Okinawa belongs to Japan and that in due course, our military control will end and the relationship with Japan be reestablished. The United States, however, has also taken the position stated by President Eisenhower that "We shall maintain indefinitely our bases in Okinawa."

Our military leaders have used their absolute control over the land and people to develop the entire island into a massive complex of Army-Navy-Air-Marine installations. Because we have total control, with no foreign government to interfere with us, and a docile people to deal with, our military can develop the sort of military complex we cannot develop in the territory of an ally. As the Price report points out, "Here, there are no restrictions imposed by a foreign government on our rights to store or to employ atomic weapons."

"We are in Okinawa," the Price report declares, "because it constitutes an essential part of our worldwide defenses." From a military point of view the only flaw in Okinawa as an American Gibraltar is the fact that the Ryukyu Island group (of which Okinawa is the chief island) is inhabited by some 800,000 human beings, of whom about 675,000 live on Okinawa.

It is not possible to turn an island into a complex of military installations without using the land. In 1955, when the Price committee investigated, our military were using around 40,000 acres, but plans had been announced to acquire 12,000 acres more for the Marines, and under our master plan other large acquisitions were contemplated. And it was not possible for our military to use the land without dispossessing Okinawans. Even without the additional Marine acquisition, we had dispossessed 50,000 families or approximately 250,000 people.

The Price report describes sympathetically the plight of these people:

"Okinawa traditionally has had a predominantly agirculture economy in which land is the most precious possession. A family of five can subsist on a holding of only eight-tenths of an acre. There are 290,000 acres in Okinawa, of which only 80,000 are arable. There is a population density of 1,270 persons per square mile, as compared with 281 in India, 178 in the Philippines, 54 in the United States. Therefore, should population conditions in the Ryukyus exist in the United States, the population of the United States would be 2.75 billion instead of the current 161.5 million.

In other words, Okinawa was greatly overcrowded even before more than 40,000 Americans moved in and took for themselves 20 percent of all of the arable land on the island. Confronted with these conditions, did our Congressional subcommitte conclude that Okinawa was not after all a suitable base, and that we should withdraw our military forces and installations? On the contrary, the Price committee concluded that the United States strategic aims are more important than the human rights of the Okinawan people, and the Okinawans must adjust. "However sympathetic one may be to Ryukyuan problems, a simple unpopular truth must be faced: Our primary mission in the islands is strategic and this mission in the last analysis, and the military necessity which flows from the mission, must take precedence."

However, the report explains further, "the United States has certain responsibilities toward the Okinawans," one of which involved compensation to the dispossessed people for their land. The Price report concluded that "our own Government * * * has failed to compensate the Okinawan for the loss which he has suffered." Until 1950 there was no payment at all. "In 1945, United States forces took for their military installations approximately 45,000 acres of Ryukyuan land. * * * These lands were taken originally as an act of war with no compensation to the landowners being made or contemplated." Then in writing the peace treaty, Dulles put in the provision that Japan waived all war claims of its nationals against the United States. "Accordingly the Okinawans have no legal basis to press the United States for compensation for the use of their land prior to April 28, 1952." On this date, the Japanese peace treaty came into effect so that the Okinawans could no longer be treated as a conquered enemy, and a policy of payment of rent was worked out. Because of the increasingly serious plight of the dispossessed people it was agreed to pay rent for the period beginning July 1, 1950.

American Army appraisers decided the terms of a fair annual rental. They put this at 6 percent of the value of the land taken, as they estimated the value. Because of overpopulation, landholdings were very small for individual families. Only 2½ percent of the landowners had holdings larger than 2½ acres, and the average farmer held only eight-tenths of an acre. At the rate decided by our Army appraisers, a farm family ejected from its farm (its home and livelihood) received a rental of less than $20 a year.

When the peace treaty became effective it became necessary to legalize the land holdings. The Army plan was to have the landowners sign leases. The landowners, however, have been unwilling to enter into leases on this basis, contending that the payment rates were inadequate. Our answer to this refusal was to issue another proclamation which gave us the right to hold the land under implied lease. This meant that we could continue to hold land, and take more land, even if the landowner objected. The rent for each landowner was deposited with the government of the Ryukyuan Islands, and the landowner could draw up to 75 percent and still have the right to appeal for more money. The landowners * * * unanimously elected to appeal. This decision is not surprising, considering the fact that the average family received less than $20 a year.

Meanwhile the 250,000 dispossessed people were creating a variety of problems. Occasional demonstrations by village people attempting to forestall the takeover of their land were dispersed by American troops. The Price report recognized that the economy of Okinawa was overwhelmingly agricultural, and other jobs were few. On their eight-tenths of an acre farm a family has a minimum but continuing means of livelihood. Uprooted from their homes and given a yearly payment of $16 to $20, what could these people do? The Price report explains that large numbers * * * found employment in the construction industry which has boomed during the erection of military installations, or they have become employees of the United States forces * * *. It is reported that 1 of every 4 of Okinawa's labor force works in one way or another for the United States military * * *. Also approximately one-third of the landowners have been permitted to farm their land * * * pending the time when full use of master-plan land will be required.

This explanation does not present a pleasant picture. The idea of people whom we call our wards being dispossessed from their lands and homes in large numbers to become manual or domestic labor for an American military force is not one to arouse our national pride. The Price report does not discuss the wage situation except to say that the Okinawan labor force is paid the highest wages in Okinawan history. This conclusion is sharply challenged by a report issued after an on-the-spot investigation by the Japan Civil Liberties Union, which declared that the dispossessed Okinawans worked for the United States military at slave labor rates. Some impression of the scandalously inadequate wage rate can be gleaned from a report from the Christian Science Monitor last November that the average Okinawan worker for Americans gets $13 to $17 a month; the report adds that an average family needs $38 a month to live on.

As for the farmers who are permitted to farm while waiting for our decision to dispossess them, can we really expect them to have a feeling of confidence in American guidance, or an affection for the ways of democracy?

Having courageously reported the serious evils of our policies and stated that the "position of our own Government to date is unrealistic," the Price report says that the Okinawans nonetheless have received "collateral benefits by reason of the presence of United States forces in Okinawa." It mentions among the benefits: paved streets, modern concrete school buildings, a university, modern shopping centers, a more varied diet, and a considerably lower death rate.

Whether such benefits do in fact compensate the uprooted Okinawans perhaps the future will disclose. That the Price committee had certain doubts is suggested by its statement, "If the current annual-rental basis is continued, the economic plight faced by these landowners at the time of ultimate displacement, and by those who would be displaced to meet the Marines' requirements, would be such as to create a most serious civil problem."

The purpose of the Price committee investigation was to consider what might be done to adjust the strategic aims of the United States military and the human needs of the Okinawans. The Army had worked out an equitable solution. It proposed (1) that the United States acquire long-term leases "granting full use of the land for so long as it may be needed by the United States"—but instead of paying a yearly rent for this land, to pay a flat sum equal to the value of the land, as determined by Army appraisers. Under the plan in force in 1955, the Army had appraised land at $330 an acre. Since rent was paid at the rate of 6 percent of this value the landowner of an acre received $19.80 a year. Under the new plan, the landowner would receive $330 in a lump sum, and that would end the transaction.

The military officials are aware, however, that a family of five (even Okinawans) cannot live very long on $330. So the Army proposed (2) to set up a minimum public works program to give the dispossessed people jobs. In other words: we take the land, pay what we decide, and then create a WPA to keep the people busy, at minimum wages. Among the projects was a proposal to open virgin lands in other islands of the Ryukyu chain, for the resettlement of families already or hereafter to be displaced to meet the United States forces land requirements. The idea that peoples may be removed from their land at the whim of a government and transported some place else is recognized as standard operating procedure for totalitarian governments. Must it be assumed that it is now accepted also for democratic countries; or is it more accurate to conclude that democracy and militarism are incompatible?

The Okinawan people made a counter-proposal. (Their first proposal was that the United States military forces go home and Okinawan ties with Japan be resumed. Since United States policy is to remain in Okinawa indefinitely, the Price report did not discuss this. The Okinawan plan opposed the idea of taking more land; it rejected the idea of long-term leases; it rejected the idea of a lump-sum payment as a substitute for an annual rent. It asked that rent for the land already taken should be increased seven times; and in addition to this increased annual rent it asked for a lump sum as compensation for their loss of livelihood equal to 5 years of the increased rental.

This proposal shocked the Price committee: "It is extremely difficult * * * to understand, even on a bargaining basis, how such an extreme request could be made. The proposal is well beyond the realm of justice." In fact, "nothing could be more degenerating to the landowner or less fair to the American taxpayer. It would create a group of what might be called landed gentry inasmuch as the dispossessed landowner would * * * receive, without the expenditure of any labor, the equivalent of his total land productivity. * * * This proposal transcends any socialistic theory of compensation with which the members of this subcommittee are familiar."

It is not easy to follow the Congressmen's reasoning here. Since the landowners are required to give up their total land productivity, why should they not be paid for it? Moreover, in its distress, the committee apparently forgot that the United States Government pays United States farmers for not planting crops, and that these farmers are not dispossessed of their lands and homes.

Just how unreasonable was this shocking Okinawan plan? On the basis of the 40,000 acres held by our military in the autumn of 1955, the annual rental would amount to $8,263,178 and the lump sum for damages (to be paid only once) would have amounted to $14,368,104. A family of 5 dispossessed from an eight-tenths of an acre farm would receive an annual rent of $112 a year (for as long as we used the land) plus a flat sum of $560. Is this unreasonable from the point of view of a family which has lost its home and livelihood?

Obviously, the sums suggested by the Okinawans are trivial when compared with the billions our Government spends both at home and abroad to provide military "hardware." They are trivial contrasted with our military expenditures on Okinawa.

The price committee considered the Army plan and the Okinawan complaints and proposals. They made recommendations of their own. In the course of time a new plan was evolved. In January of this year Gen. Lyman L. Lemnitzer, governor of the Ryukyu Islands, told the Okinawans of the program which he said represented a comprehensive, just, and practical program of the settlement of our land problems.

The new plan did not go very far in meeting Okinawan requests. Where the Okinawan plan had asked for increased rent at seven times the current level, the new plan only tripled the rate. The Okinawans had strongly opposed lump sum payment instead of rent. The new plan made it clear that as soon as it could be worked out, a plan for the lump payment would replace the rental system.

The plan would meet the Okinawan wishes to keep title to their land; the United States, however, would retain full use of the land * * * so long as it may be needed. Full use, of course, means use for military installations, and it seems obvious that if a farmhouse has been demolished and an airstrip built on the farm land, the owner of that farm has lost his land forever.

The new plan included the setting up of a new judicial commission to be appointed by our Secretary of Defense, to which the Okinawans could appeal. In view of the fact that once before all the landowners appealed, and that from their point of view, nothing much happened, this may not comfort them much.

The new plan included a project which General Lemnitzer said "is being developed for the benefit of those owners who wish to deposit their payments or part of them * * * in a governmental fund for the cooperative use of the money in such a way as to provide interest or an annual income from the use of this capital."

Asian peoples interested in learning what is meant by our "people's capitalism" are bound to find this plan revealing. As outlined, the plan proposes to produce Okinawan capitalists who will invest the capital paid them for use of their land. But how much will these new capitalists have to invest? Lemnitzer does not say, but since the Price committee was horrified at the idea of paying $560 for an eight-tenths of an acre farm, it can be assumed that the overwhelming majority of the new capitalists will receive considerably less than $560. Asian people are certain to find enlightening the workings of a plan which will enable an investment of considerably less than $560 to provide an annual income large enough to live on.

As a demonstration of "people's capitalism," the whole plan is not likely to gain us many friends in Okinawa or Asia. It is hard to imagine a situation in which the right to private property is more insecure. Any landowner may lose his land and home at any time, and not for purposes decided by his own government, but to satisfy the strategic needs of a foreign country.

The Price report is an important document. In many respects it is a model of democratic investigation. There is no question that the

members of the committee worked with the utmost conscientiousness, both in Washington and in Okinawa, to get the facts. The report is clear and detailed, and every effort is made to be just to the Okinawan point of view. Yet the report as a whole raises serious questions about our Government's policies and attitudes—and suggests that in considering the problems of backward peoples, and in confronting the basic problems of freedom, democracy, and human dignity, our leaders have serious blindspots.

The report declares that "Okinawa has become, in its most precise sense, a 'showcase of democracy'." It says that "the eyes of the world, and particularly the hooded eye of the Communist world, are fixed attentively on our actions in Okinawa, the latter in concentrated study to discover what can be used as propaganda against us." But it seems not to have been clear to the committee that the entire operation had within itself the capacity to discredit our leadership; if not, our claim to leadership rests not on military might but on the firm ground of human rights and democratic principles.

The idea that Okinawa is a "showcase for democracy" is widely accepted among journalists who write of the Far East and Asia. And the failure to recognize the picture of "democracy" which the Asian peoples see when they peer into this "showcase" is alarming. Gordon Walker, writing in the Christian Science Monitor, reported that "Okinawa in the eyes of other Asians, is an American 'colony'." Having reported this discreditable fact, he calmly adds that "as such it could easily be made a show window for displaying the basic United States policy toward Asian populations—establishment of enlightened and prosperous self-government."

As a "colony" Okinawa could not possibly become a "show window" of democracy, for colonialism and democracy are based on entirely different principles. But Asians see colonialism, and not democracy, when they look into our "showcase" of Okinawa.

The justification for turning Okinawa into a military bastion is the claim that it is necessary for our "national security." But those who reason that our security depends on military might may be tragically wrong. Might it not be true that our real security lies in the confidence placed in our sort of society by the "uncommitted" peoples—who have this confidence because of our traditional principles?

A military bastion, 6,000 miles from our homeland, which can exist only by, to state it bluntly, "enslaving" the people, is not the sort of "showcase" of which we Americans can be proud. We can be certain that the Asian peoples will never accept an American "colony" as a satisfactory demonstration of the sort of democracy they desire.

Why don't we have the courage to put our principles into practice? In this atomic era high principles have become the only really practical politics.

Mr. HUMPHREY. Mr. President, on June 19, I wrote to the Secretary of Defense concerning certain allegations which I have heard about the deplorable wage scale maintained by the Department of Defense on Okinawa. I ask unanimous consent that the text of my letter to the Secretary be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 19, 1957.

The Honorable CHARLES E. WILSON,
Secretary of Defense, Department of Defense, Washington, D. C.

DEAR MR. SECRETARY: From time to time I have had complaints from responsible persons on the question of wages paid by the Department of Defense on Okinawa.

I have heard allegations that restrictions have been imposed against union organization on Okinawa, forbidding strikes and collective bargaining, maintaining shockingly low-wage patterns, all of this adding fuel to increased emotionalism on the Japanese political scene.

I understand that delegates to the current ILO conference may raise the point there.

In the context of our forthcoming consideration of the Department of Defense appropriations, I should very much like to have a report from you concerning the allegations listed above.

Best wishes.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, an interim reply from the Office of the Secretary informs me that steps are being taken to "acquire the necessary information." I am awaiting the reply of the Department with interest.

I may add, Mr. President, that a wage survey on Okinawa by the Department of Labor has been initiated. It is my understanding that the survey will be completed by the end of the month. From all I have heard and read, it should give the Department of Defense ample justification for granting increases to the Okinawa workers. That is just one of the problems facing us on Okinawa, but it is an important one.

Let me conclude by saying, Mr. President, that if half of the allegations contained in Miss Mears' article are proved to be true, a serious problem confronts us on Okinawa, and its dimensions which are likely to grow, to our embarrassment, as the days and months go on. Therefore, I raise this storm signal, to indicate to my colleagues that we may very well find ourselves in a most embarrassing position. I want to alert the Senate and other Government officials to my interest in this matter. I intend to pursue that interest in the days ahead.

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

THE ADMINISTRATION'S TIGHT MONEY POLICIES

Mr. HUMPHREY. Mr. President, to me, one of the most serious aspects of the administration's tight money policies is the effect it is having upon small and medium-sized business firms throughout the country.

On July 2, the distinguished Senator from Florida [Mr. SMATHERS] in his interrogation of Secretary of the Treasury George Humphrey, before the Senate Finance Committee, established beyond question of a doubt that small business is losing out in its competitive struggle with larger firms. The Senator from Florida presented unrefuted statistics and expert opinion showing that tight money is squeezing smaller firms to the wall. Secretary Humphrey, himself, was forced to admit under questioning by the Senator from Florida that big business had not as yet felt the effects of tight money, but that smaller concerns have.

In the July 5 issue of U. S. News & World Report there appeared an article illustrating how many firms are being pressed, due to tight money. I ask unanimous consent, Mr. President, that this article, entitled "Where Tight Money Is Really Taking Hold," be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. HUMPHREY. Mr. President, permit me to read a few brief excerpts from this article:

Tight money is putting a squeeze on more and more businessmen all over the country. * * *

A small company in northern Ohio claims to have developed a new product for which it has a $2 million Government order. It's been unable to get bank loans to get into production.

A medium-size manufacturer, also in the Midwest, felt the need for more money when his customers started paying their bills more slowly this year. * * * He finally lined up a loan of $100,000 in Chicago, from "private" sources. The cost: 12 percent interest. * * *

An increasing number of businessmen are turning to other lenders, after bumping into a limit at their banks or rebelling against the banks' tighter rules. Finance companies are making more loans to industry than ever before. CIT Financial Corp. reports a 29-percent increase in volume of its industrial loans in the first 3 months of this year, compared with 1956. * * *

Companies that can't get loans from banks or finance companies are going to the "loan doctors." This is a term used for a type of lender known as a factor. His special function is to make advance payments on bills that a company has coming due from its customers. His charges run as high as 15 or 18 percent nowadays.

I ask, Mr. President, how can small and medium-sized businesses be expected to compete with large corporations and to maintain their relative position in the economy under such staggering costs for necessary funds? After all, it is not the big firms that have to go to the factors and to the finance companies for money. It is the small firms which find that the banks are refusing them loans; it is the small firms which cannot sell bonds or issue stock. In the mad scramble for money no one can seriously doubt that the big will win out over the small. No wonder that the large corporations express no concern over tight money. What better method could there be to kill off competition and to increase economic concentration?

Again I raise my voice to commend the distinguished senior Senator from Tennessee [Mr. KEFAUVER] for the investigation which he is conducting in reference to the concentration of economic power. The Antimonopoly Subcommittee, under the chairmanship of the Senator from Tennessee, is doing a splendid service for the free enterprise system. I regret that much of this goes unnoticed, because it is my personal opinion that when all the fuss and fury of this session of Congress have passed, the most important matter relating to the well-being of the American people will prove to be the study being made by the Antimonopoly Subcommittee on the question of monopoly policies and the study being made by the Committee on the Judiciary on monopoly and the growth of the concentration of economic power in the United States.

EXHIBIT A

WHERE TIGHT MONEY IS REALLY TAKING HOLD

(Reported from New York, San Francisco, and Washington)

Businessmen are finding it hard to keep enough cash on hand.

Costs are up. Loans are hard to arrange. Customers' bills are being paid less promptly.

Companies are going to unusual sources, adopting new tactics to scare up some extra dollars.

Tight money is putting a squeeze on more and more businessmen all over the country.

From big and little companies, from lenders as well as borrowers, from coast to coast come reports of shortages of money, of trouble in borrowing, of steps being taken to save cash, and of financial pressure being felt by one company after another.

Here is the gist of those reports:

With wages and prices going up, businessmen are discovering they need more cash to carry on their operations. When they look at their bank accounts, they are finding, many of them, that they have less money, instead of more. They are trying to get more money on loan from their banks. At this point, the banks, more frequently, are saying "No."

That refusal is leading many companies to borrow from other types of lenders, sometimes at very high cost. Others are trying to conserve cash by putting off purchases of goods or plant expansion. Quite a few are passing the squeeze on to their customers by urging them to pay their bills more quickly.

In spite of efforts to speed collections, however, businessmen often report that payments are coming in more slowly. Customers, as well as suppliers, appear short of case.

Thus, the feeling of stringency is spreading. Small companies complain of it more than big ones, but all sizes seem to feel the pinch. So far, it is tending only to slow the boom, not end it. It hasn't brought inflation to a halt, as tight money is intended to do. But there is evidence that the squeeze is becoming more effective.

NO CREDIT—NO OUTPUT

A small company in northern Ohio claims to have developed a new product for which it has a $2 million Government order. It's been unable to get bank loans to get into production.

A medium-size manufacturer, also in the Midwest, felt the need for more money when his customers started paying their bills more slowly this year. He asked the bank, which was already extending him credit, and was turned down. He finally lined up a loan of $100,000 in Chicago, from private sources. The cost: 12 percent a year interest.

Bankers insist that these are exceptions, borderline cases. Yet even banks give evidence of the stringency. More and more of them are requiring companies that borrow to keep larger balances on hand—15 or 20 percent of the amount of the loan, instead of 10 percent. This is money on which the borrower pays interest, though he may never use it.

An increasing number of businessmen are turning to other lenders, after bumping into a limit at their banks or rebelling against the banks' tighter rules. Finance companies are making more loans to industry than ever before. CIT Financial Corporation reports a 29 percent increase in volume of its industrial loans in the first 3 months of this year, compared with 1956.

LOAN DOCTORS

Companies that can't get loans from banks or finance companies are going to the "loan doctors." This is a term used for a type of lender known as a factor. His special function is to make advance payments on bills that a company has coming due from its customers. His charges run as high as 15 or 18 percent nowadays.

Factors originally sprang up to help textile companies, but now are advancing money to manufacturers and distributors in just about any line of business you can name. Some of the borrowers are big enough to draw $2 million at a crack, and the total amount of credit involved has grown to some $10 billion a year.

A leading factor tells of a new customer, a big lumber and building-materials concern. This company was planning to sell bonds in order to raise money for expansion. When the bond market slumped, it decided to put off the bond issue temporarily—and turned to the factor to tide it over.

STRETCHING THE DOLLAR

Unusual steps are being taken to get more mileage out of every available dollar. The vice president of the Equitable Life Assurance Society, R. I. Nowell, put it this way: "Some of the smartest financial consultants now are concentrating on ways to make money work harder."

Here is one device:

Eastern firms are renting safe-deposit boxes on the west coast and telling their western customers to address their payments to those boxes. The boxes are emptied daily. The checks are quickly cleared with the western banks on which they are written, and the money deposited.

What's the gain in that? It just saves time in getting cash—the time it takes for a check to cross the country to the head office and then go back to a western bank for clearance. The lockbox arrangement also forces the customer to be more careful about overdrawing his account, since the check is presented for payment quickly.

The American Machine & Foundry Co. is one of a number of eastern concerns adopting lockbox addresses for the West. It has automatic pin setters on rent to bowling alleys as far off as Hawaii. The western alleys will send their rent money to the new address. Western firms, of course, achieve the same results by using lockboxes in the East.

PLEASE PAY FASTER

More than one survey of manufacturers shows a tendency to crack down on customers who are slow in paying and to be more careful about shipping goods, on credit, to new customers. Here and there, manufacturers are shortening the time allowed for payment.

However, competition puts a limit on this. Some companies have tightened up their selling terms, only to have to loosen them again to hold customers.

Out of 111 manufacturers queried by Dun & Bradstreet, 52 said they were having more trouble collecting money this year. Forty-eight said they review files on customers more often to weed out poor risks.

Reports are numerous of companies buying less for inventory, or even scaling down inventories in order to have less money tied up in idle goods. Food distributors are doing this, according to west coast officials. As a result, canned and frozen foods have backed up on some processors, increasing their need for inventory loans and forcing some out of business.

Shirt and pajama manufacturers are trying to reduce the big bulges in their inventories that usually occur before the big holiday selling seasons.

WHY THE SQUEEZE?

When you look behind the scenes for the cause of this money problem you find two factors most often mentioned: the tight-money policy and inflation in wages and prices.

Tight money brought the rise in interest rates. To avoid borrowing at high rates, many companies, in 1955 and 1956, used cash and money from sale of Government bonds to pay for plants, machinery and supplies. Today, their reserves are lower, their current needs larger, thanks to the boom in business and to inflation.

Cash and Government bonds together total about $50.2 billion for all corporations. That will cover about 47 cents out of each dollar the corporations owe on their current bills. At the end of 1954, these assets were nearly 52 billion, and enough to cover 55 cents out of every dollar owed currently.

The results of the shortage of cash—reduced buying of goods, slower plant expansion, resistance to price increases—are just what the Government money managers are striving for. Will these results stop inflation? That depends on how long the stringency continues and how severe it becomes. Meanwhile, more and more businessmen are being squeezed.

THE RIGHT-TO-VOTE BILL

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial from the New York Times of this morning, entitled "The Right-To-Vote Bill."

I desire to call particular attention to the Times' observation that—

It would in no way prejudice the inexorable forward march of school desegregation in the South to make it clear that this bill deals exclusively with voting rights, which is what almost everybody had thought all along it deals with. Integration of schools is quite another matter; and although it may well be that the devices used in the pending bill may ultimately be found necessary to enforce the desegregation decision as well, it is the part of wisdom to take one step at a time and concentrate now, in this law, on the basic right of a free ballot.

I ask unanimous consent that the entire editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RIGHT-TO-VOTE BILL

The lengthy conference President Eisenhower had yesterday with Senator RUSSELL, of Georgia, indicates the seriousness with which the White House views the major charge brought by Mr. RUSSELL in his speech last week against the civil-rights bill. This was the sensational allegation that hidden in one section (pt. III) of the bill is a force law designed to compel the intermingling of the races in the public schools by the injunctive process, and to authorize the use of troops to integrate them.

Although the inflammatory language Senator RUSSELL used in his speech does not contribute to a calm approach to this touchy subject, the fact remains that he has discovered in the pending bill terminology that may indeed be fairly interpreted in the way he chooses to interpret it. In previous discussion of the civil-rights measure there has been almost total neglect of this one point. The administration bill in something very much like its present form was debated and passed by the House a year ago; the current one was debated and passed by the House again last month; there have been extensive hearings and reports and innumerable speeches on the subject; yet in all this time no one has made a real issue of the possibility pointed to by Senator RUSSELL that the bill might be used to enforce school integration by injunction. The House minority reports both this year and last, and some brief testimony by Attorney

General Brownell, do mention this possibility. But until the last few days it has been generally overlooked—so much so that some of the bill's leading proponents now admit privately that they had never even thought of it.

Now, this does not mean that the language is therefore bad, nor that on its merits the section of the bill to which Senator RUSSELL most violently objects should be eliminated. But it does mean that there is every indication that neither President Eisenhower nor the principal protagonists of the administration bill in Congress considered this measure as anything more than a bill to insure to every American citizen the right to vote in Federal elections, as guaranteed by the Constitution. The President has said as much in his press conferences: "I was seeking * * * to prevent anybody from illegally interfering with any individual's right to vote. * * *" Practically everybody fighting for this bill, and we include this newspaper, has been seeking the same thing. We have viewed it primarily as a "right-to-vote" bill; and, as we have said here before, we believe that the injunctive process without jury trial is a perfectly proper device to enforce this basic constitutional right if necessary.

We also believe with the Supreme Court, and have said many times, that integration of the schools is likewise required by the Constitution. We believe, too, in equality of economic opportunity for all races—a point that was originally included in and then eliminated from the administration's civil rights proposals. But not all of these rights can be enforced in precisely the same way, nor can some be effectuated as quickly as others.

It would in no way prejudice the inexorable forward march of school desegregation in the South to make it clear that this bill deals exclusively with voting rights, which is what almost everybody had thought all along it deals with. Integration of schools is quite another matter; and although it may well be that the devices used in the pending bill may ultimately be found necessary to enforce the desegregation decision as well, it is the part of wisdom to take one step at a time and concentrate now, in this law, on the basic right of a free ballot.

Of course the entire question of amending the civil-rights bill is premature anyway, because technically the question now before the Senate is whether or not to take up the measure at all. The southern oppositionists have not a leg to stand on—though they have strong voices—in the debate over making this bill the pending business. Once that is done, then will come time for amendments and limitations. The southern diehards, Senator RUSSELL included, are not going to like the bill in whatever form it emerges. Much more important than whether or not they like it is the question whether it is an equable, moderate, enforceable bill in conformity with our best traditions. We think that it can easily be made just that.

CALL OF THE ROLL

The PRESIDING OFFICER. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Butler	Cotton
Allott	Carroll	Curtis
Anderson	Case, N. J.	Dirksen
Barrett	Case, S. Dak.	Douglas
Beall	Chavez	Dworshak
Bible	Church	Eastland
Bricker	Clark	Ellender
Bush	Cooper	Ervin
Fulbright	Lausche	Saltonstall
Goldwater	Magnuson	Schoeppel
Gore	Malone	Smith, Maine
Green	Mansfield	Sparkman
Hill	Martin, Iowa	Stennis
Hruska	McClellan	Symington
Humphrey	McNamara	Talmadge
Javits	Monroney	Thurmond
Jenner	Morse	Thye
Johnson, Tex.	Morton	Watkins
Johnston, S. C.	Murray	Wiley
Kefauver	Pastore	Williams
Kennedy	Potter	Yarborough
Kerr	Revercomb	Young
Knowland	Robertson	
Kuchel	Russell	

The PRESIDING OFFICER. Seventy Senators having answered to their names, a quorum is present.

VISIT TO THE SENATE BY PRIME MINISTER HUSSEYN SHAHEED SUHRAWARDY OF PAKISTAN

Mr. JOHNSON of Texas. Mr. President, I wish to remind my colleagues that at 3 o'clock p. m. today Prime Minister Suhrawardy of Pakistan will address the Senate.

I ask unanimous consent that at 2:55 o'clock p. m., the Senate stand in recess, subject to the call of the Chair, and that the Chair appoint a committee to escort the Prime Minister to the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. TALMADGE in the chair) subsequently said: Under the previous order, the Chair appoints the Senator from Texas [Mr. JOHNSON], the Senator from California [Mr. KNOWLAND], the Senator from Rhode Island [Mr. GREEN], and the Senator from Wisconsin [Mr. WILEY] to compose the committee to escort the distinguished Prime Minister of Pakistan into the Senate Chamber when he visits the Senate at 3 o'clock.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1918) to amend Public Law 31, 84th Congress, 1st session, to increase the authorization for appropriation to the Atomic Energy Commission for the construction of a modern office building in or near the District of Columbia to serve as its principal office.

The message also announced that the House had passed the bill (S. 1791) to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1959, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H. R. 7390. An act to amend the Administrative Expenses Act of 1946, and for other purposes;

H. R. 8240. An act to authorize certain construction at military installations, and for other purposes; and

H. R. 8633. An act to authorize the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER, Members of the House of Representatives, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 7390. An act to amend the Administrative Expenses Act of 1946, and for other purposes; to the Committee on Government Operations.

H. R. 8240. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services;

H. R. 8594. An act to authorize the Honorable ALBERT P. MORANO, Member of Congress, to accept and wear the award of the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes; and

H. R. 8633. An act to authorize the Honorable WAYNE L. HAYS, the Honorable WALTER H. JUDD, the Honorable JOHN J. ROONEY, and the Honorable JOHN TABER, Members of the House of Representatives, to accept and wear the award of the Cross of Grand Commander of the Royal Order of the Phoenix, tendered by the Government of the Kingdom of Greece; to the Committee on Foreign Relations.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. When Senators address themselves to the motion of the Senator from California [Mr. KNOWLAND], or to the general subject of civil rights, under the rule limiting the number of times each Senator may speak on a question in any one day, do speeches made during the morning hour, whether on that subject matter or any other subject matter, constitute speeches for the purpose of rule XIX?

Mr. KNOWLAND. Mr. President, if it is agreeable to the Senator from Texas, if a parliamentary inquiry which may have some effect on the proceedings is to be made, should there not be a quorum call? Would the Senator object to my suggesting the absence of a quorum?

Mr. JOHNSON of Texas. Certainly not, if the Senator desires to do so.

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Douglas	Kennedy
Anderson	Dworshak	Kerr
Barrett	Eastland	Knowland
Beall	Ervin	Kuchel
Bible	Flanders	Lausche
Bricker	Fulbright	Magnuson
Bush	Goldwater	Malone
Butler	Gore	Mansfield
Byrd	Hayden	Martin, Iowa
Carlson	Holland	Martin, Pa.
Carroll	Hruska	McClellan
Case, N. J.	Ives	McNamara
Case, S. Dak.	Javits	Monroney
Church	Jenner	Morse
Cooper	Johnson, Tex.	Morton
Cotton	Johnston, S. C.	Mundt
Dirksen	Kefauver	Pastore

Payne	Smathers	Wiley
Potter	Smith, Maine	Williams
Revercomb	Symington	Yarborough
Robertson	Thurmond	Young
Russell	Thye	
Schoeppel	Watkins	

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, specifically the consideration of Calendar No. 858, message No. 281, under the heading "Diplomatic and Foreign Service," for the purpose of confirming, posthumously, the nomination of Mr. Hervé J. L'Heureux, of New Hampshire. Mr. L'Heureux passed away on Tuesday of this week, and he will be buried late this afternoon. If his nomination is confirmed by the Senate, he will be entitled to be buried with military honors.

I have cleared this matter with the distinguished minority leader, with the distinguished senior Senator from Georgia, and with other Senators who are interested in following the details of our procedure these days. They are in agreement with me upon this request.

Mr. RUSSELL. Mr. President, in view of the very unusual circumstances involved in this case, and the fact that this is a posthumous confirmation of a nomination, I think the Senate is justified in laying aside the pending business temporarily and proceeding to the consideration of this nomination on the Executive Calendar.

Mr. JOHNSON of Texas. Mr. President, I should like my unanimous-consent request to be limited to this one nomination.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas, with the limitation proposed by him?

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nomination which is in order will be stated.

The legislative clerk read the nomination of Hervé J. L'Heureux, of New Hampshire, to be career minister.

Mr. CASE of South Dakota. Mr. President, Mr. L'Heureux was the person who proposed the custom that luncheon clubs and other groups pause for a moment at noon to offer a prayer for peace. The idea commended itself to thousands of people, and many Members of Congress furthered the movement in various ways. I think it is very desirable that Mr. L'Heureux's nomination should be confirmed, and I appreciate the courtesy which has been extended by Senators that his nomination be considered by unanimous consent this afternoon.

Mr. COTTON. Mr. President, on behalf of my colleague, the senior Senator from New Hampshire [Mr. BRIDGES], who is not present, and myself, I thank the Senator from Texas, the minority leader [Mr. KNOWLAND], the senior Senator from Georgia [Mr. RUSSELL], and the other Senators for this courtesy. It will be deeply appreciated by the family of Mr. L'Heureux.

Mr. JOHNSON of Texas. We are always delighted to work and cooperate with the genial junior Senator from New Hampshire and his colleague. We hope his colleague may soon be able to return to the Senate and be with us.

The VICE PRESIDENT. Without objection, the nomination of Mr. L'Heureux is confirmed.

Mr. JOHNSON of Texas. I ask that the President be immediately notified of the confirmation of the nomination.

The VICE PRESIDENT. The President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, earlier in the day I made the following statement, which served as a predicate for a parliamentary inquiry which I propounded. I said:

> Mr. President, the Senate debate of the past few days has produced public discussion which should be of great value to our country. This is reflected in one of our leading newspapers, the New York Times. I ask unanimous consent to have printed in the RECORD recent articles on this subject by two eminent commentators, Arthur Krock and James Reston.

At the point a distinguished colleague propounded a question to me. That question was, Under the rule limiting the number of times each Senator may speak on a question in any one day, do speeches during the morning hour—and I emphasize that this little statement was made during the morning hour—constitute a speech under rule XIX?

I informed the Senator that, in my opinion, it did not constitute a speech for the purpose of rule XIX, but that I would make inquiry of the Parliamentarian. I made the inquiry, and the Parliamentarian told me that, in his opinion, there was no question about it. I then made inquiry of the Chair.

At that point the distinguished minority leader felt that he would like to have a quorum call. I therefore withdrew my parliamentary inquiry and yielded to the minority leader for the purpose of having the quorum call, so that Members of the Senate could be present when the parliamentary inquiry was made, and so that the distinguished occupant of the chair might have an opportunity to be notified of this procedure.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. KNOWLAND. I think the inquiry which the distinguished Senator from Texas has made is certainly an entirely proper one. I believe the RECORD is clear enough; but, to underscore the matter, as I understand it, the inquiry by the Senator from Texas relates to the provision for a morning hour for which unanimous consent is customarily asked each day, for the introduction of bills, resolutions, and so forth, and with a limitation of 3 minutes on speeches.

Mr. JOHNSON of Texas. It does. Of course, there are two ways in which we might act if the Chair ruled otherwise. We could simply dispense with the morning hour and not make a unanimous-consent request to have the usual morning hour—a practice which was started by the late Senator Taft—or the majority could adjourn if they so desired. But it has not been our purpose and it is not our plan to do that.

My inquiry related to the usual morning hour. I had not thought there would have been any question about it. But I wanted to have the question decided for the RECORD, because some Senators in this atmosphere were even hesitant to make insertions in the RECORD, for fear they might be stopped from discussing the merits of the bill.

The VICE PRESIDENT. Since the motion of the Senator from California is not before the Senate for consideration during the transaction, by unanimous consent, of morning business under the 3-minute limitation, remarks or speeches made during that period, from a parliamentary viewpoint, are not addressed to the motion of the Senator from California and, therefore, do not constitute speeches on that motion.

Mr. JOHNSON of Texas. And any statement made during the morning hour, whatever the subject may be, does not constitute such a speech, under rule XIX; is that correct?

The VICE PRESIDENT. The Senator from Texas is correct—any statement made during the transaction of morning business, under the unanimous-consent request.

Mr. JOHNSON of Texas. I understand.

The VICE PRESIDENT. That situation is the one which will prevail.

Mr. JOHNSON of Texas. I thank the Chair.

Mr. President, I desire to propound another parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has morning business been concluded?

The VICE PRESIDENT. Morning business has not yet been concluded.

Mr. JOHNSON of Texas. Mr. President, I hope that if other Senators desire to make insertions or transact routine business during the morning hour, they will do so now. If not, the Senator from South Carolina [Mr. JOHNSTON] should be recognized.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes.

CIVIL RIGHTS

The Senate resumed the consideration of the motion of Mr. KNOWLAND that the Senate proceed to the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] that the Senate proceed to the consideration of House bill 6127, the civil-rights bill.

The Senator from South Carolina [Mr. JOHNSTON] is recognized.

Mr. JOHNSTON of South Carolina. Mr. President, this morning during the morning hour, the senior Senator from Oregon [Mr. MORSE] served notice on the Senate that when the pending motion is disposed of, he will immediately move that the civil-rights bill be referred to the Judiciary Committee, with a request that it be reported by the committee within 2 weeks thereafter.

I now wish to inform the Senate of what probably would have been found in a report from the Judiciary Committee if that committee had been permitted to make its report in the first place.

For the information of the Senate, let me say that from the CONGRESSIONAL RECORD it will be noted that on June 20, the bill was placed on the Senate Calendar, after it had come to the Senate from the House of Representatives, without having the bill go in the usual manner to the Judiciary Committee, for its consideration. That was the situation on June 20, more than 3 weeks ago.

I thought the Judiciary Committee was proceeding very well in that connection; it was taking up the bill section by section, and was making amendments to the bill—when, all of a sudden, the bill was taken away from the committee.

Since then—3 weeks ago—the Judiciary Committee has not done anything on the bill.

At this time I can say—and if the Senator from North Carolina [Mr. ERVIN] were now on the floor of the Senate, I would ask him to confirm the statement I shall make; however, I see in the Chamber at this time the Senator from Mississippi [Mr. EASTLAND]—it is my firm belief that if the bill had then been referred to the Judiciary Committee, for its consideration, the Senate would already have had the report of the Judiciary Committee on the bill. I make that statement even though I am in the minority in the committee, and although when the Senate took the bill away from the Judiciary Committee, so to speak, I had pending at that time in the committee an amendment to strike from the bill a section which would permit the President of the United States to call out the Army and the Navy in order to enforce the provisions of the bill, as presently written.

So in the Judiciary Committee we were proceeding, as I have stated, and I think it only right to call that fact to the attention of the Senate.

Mr. President, I hold in my hand reports from certain Senate committees. The reports include the one on the bill amending the Atomic Energy Act of 1954. Senators will find that that committee report comprises 34 pages. Senators will also find that the report of the House committee on the House civil-rights bill comprises 60 pages, printed in small type. In fact, all the reports I now have before me are printed in small type. Senators will also find that the report on the Housing Act of 1957 constituted 66 pages. They will find that the report on the rivers and harbors, beach erosion, and flood-control projects bill of 1957 comprises 118 pages, as that report was written by the committee, in explaining in detail the provisions of that bill.

Senators also will find that the report on the bill for the construction, operation, and maintenance of Hells Canyon Dam, on the Snake River, between Idaho and Oregon, comprises 98 pages, printed in small type.

In addition, Senators will find that after each one of these reports was made to the Senate, a copy of the printed hearings was placed on the desk of each Senator, for his information, so he could know how to proceed and how to act in the case of each of those bills.

However, at the present time Senators do not have before them, on their desks, the testimony of even one witness who appeared before the Judiciary Committee in 1956 or before the subcommittee, of which I was a member, of the Judiciary Committee in 1957. In other words, those entire hearings were, so to speak, thrown into the trashbasket, as a result of the action of the Senate in placing the bill on the calendar, and refusing to refer the bill to the Judiciary Committee, in order to permit that committee to proceed in an orderly way to deal with it. That is why today I am proceeding to explain the contents of the bill.

Mr. MORSE. Mr. President, will the Senator from South Carolina yield to me for a question?

Mr. JOHNSTON of South Carolina. I yield, with the understanding that I do not lose the floor.

Mr. MORSE. Does the Senator from South Carolina know of any intention within the Judiciary Committee to prevent a civil-rights bill from coming from that committee to the floor of the Senate, prior to the adjournment of this session, and in adequate time for consideration by the full Senate?

Mr. JOHNSTON of South Carolina. I do not. Furthermore, I can say that I attended all the caucuses where we were fighting the bill; I think I was present at every one. And at no time did we ever say we would not let any such bill be reported from the committee; but we wished to emphasize certain features of the bill and, if possible, to make certain amendments to the bill in the committee.

Mr. MORSE. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MORSE. Can the Senator from South Carolina tell the Senate whether the members of the Judiciary Committee were well aware of the fact that a House committee was considering a House bill which in some respects was different from the Senate bill?

Mr. JOHNSTON of South Carolina. We were aware of that fact, and we were kept advised.

Mr. MORSE. Mr. President, will the Senator from South Carolina yield for another question?

Mr. JOHNSTON of South Carolina. I yield, with the same understanding.

Mr. MORSE. Can the Senator from South Carolina tell the Senate whether it is true, in his opinion, that members of the Judiciary Committee were awaiting the House bill, which they understood was coming to the Senate, and which they fully expected would be referred to the Senate Judiciary Committee, to enable that committee to make a comparison of the Senate bill and the House bill?

Mr. JOHNSTON of South Carolina. We were, in a way, desirous of having the benefit of the action of the House, so it could be before us, for our consideration.

Mr. MORSE. Mr. President, will the Senator from South Carolina yield to me for a further question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MORSE. It is true, is it not, that the Senate Judiciary Committee has a rather voluminous body of testimony, data, evidence, and information taken by it in its hearings on the Senate bill that are not at the present time available in printed form for the benefit of Members of the Senate who are not members of the Judiciary Committee?

Mr. JOHNSTON of South Carolina. That is certainly true, as I explained a few moments ago. There is no testimony, and there are no copies of hearings in regard to the bill on the desk of any Senator. The truth is that this bill has never been before the committee, and we could not have any hearings on it available.

Mr. MORSE. Will the Senator yield for another question?

Mr. JOHNSTON of South Carolina. I do.

Mr. MORSE. Can the Senator tell the Senate whether or not it is true, so far as he is concerned, and whether or not, in his opinion, it is true of at least some others of his colleagues on the Judiciary Committee, that when a majority of the Senate voted to put the House bill directly on the Senate Calendar in an attempt to make that the civil-rights bill before the Senate, it was felt that the Senate Judiciary Committee was thereby, shall we say, relieved of the responsibility of reporting any civil-rights bill from the committee to the Senate?

Mr. JOHNSTON of South Carolina. Something was said to that effect at the first meeting the Judiciary Committee held after the action of the Senate. I had the floor at the time. I was immediately relieved, and the committee began to take up other bills and other business

at that time. The members of the committee took the position that there was not any use reporting the bill to the Senate.

Mr. MORSE. I think we can take judicial notice that any committee on which any Senator serves would devote its time and attention to other matters after the Senate took the action it did on the civil-rights bill, so far as concerns a similar bill before the committee. In fact, I think most of us would take the attitude that a decision of the Senate to put a House bill directly on the Senate Calendar was clear notice that the Senate did not want any action taken by the committee concerned.

My next question, if the Senator will yield, needs an explanatory statement. The Senator from South Carolina and I do not agree on the substance of civil-rights legislation, but it is pretty clear that we do agree on the vital importance of protecting the regular procedures of the Senate in its legislative processes, no matter how much we may disagree on the substantive matter contained in proposed legislation.

With that preface, I ask these two questions: Does the Senator from South Carolina recall that when we were having a debate on the proposal to put the House bill directly on the Senate Calendar, the Senator from Oregon served notice and pledged that, if the House bill were sent to the Senate Judiciary Committee and the Senate Judiciary Committee did not report a civil-rights bill within a reasonable period of time, he himself would offer a motion to discharge the Senate Judiciary Committee from the further consideration of both bills?

Mr. JOHNSTON of South Carolina. I remember the Senator from Oregon making that statement. So far as disagreeing is concerned, we do not disagree all the way on this bill. I think the Senator from Oregon feels a jury trial should be provided. Is not that correct?

Mr. MORSE. I am very much interested in the amendment of the Senator from Wyoming in regard to jury trials. If I can be convinced that there can be drawn a clear line of distinction between so-called criminal cases and civil cases, I would be inclined to support the Senator from Wyoming; but I have reserved judgment on the matter, and I am going to continue to reserve judgment until I complete research on the question.

Mr. JOHNSTON of South Carolina. For the information of the Senator from Oregon, I wish to say the Judiciary Committee first thought there should be a provision in the bill for injunction, and not for jury trial; but, after long discussion in the full committee, it finally voted for a provision for jury trial. The subcommittee had voted the proposal down by a vote of 3 to 3, I believe it was. Then the matter went to the full committee, and the committee voted for what the Senator from North Carolina [Mr. ERVIN] and I were advocating. I ask the Senator from North Carolina what the vote was.

Mr. ERVIN. Seven to five.

Mr. JOHNSTON of South Carolina. The vote was 7 to 5. The members of the committee voted with us to make it possible to have jury trials.

Mr. MORSE. Will the Senator yield for another question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MORSE. Does the Senator recall that in the debate on the proposal to put the House bill directly on the calendar of the Senate, I expressed my intention to move to discharge the Senate Judiciary Committee within a reasonable time? I said I thought that under the circumstances a reasonable time would be about 2 weeks. Does the Senator recall that statement?

Mr. JOHNSTON of South Carolina. I remember the Senator making that statement.

Mr. MORSE. Does the Senator recall that, after the Senate acted to place the House bill directly on the Senate Calendar, and after the Senator from California [Mr. KNOWLAND] made his motion to make the House bill the pending business, I then served notice that at the appropriate time—and the Parliamentarian advised me the appropriate time would be after the Knowland motion was adopted—I would move that the bill be referred to the Senate Judiciary Committee, with instructions that the Judiciary Committee report a civil-rights bill within 2 weeks. Does the Senator recall that?

Mr. JOHNSTON of South Carolina. I recall that.

Mr. MORSE. Will the Senator yield for another question?

Mr. JOHNSTON of South Carolina. I yield for another question, with the same understanding.

Mr. MORSE. Irrespective of what our views may be on the substantive matter of the civil-rights bill, does the Senator agree that, procedurally, the adoption of my motion would accomplish two things? First, it would give the Senate 2 weeks to handle emergency legislation which is awaiting action on the Senate Calendar. Second, it would give the Senate Judiciary Committee an opportunity to compare the House bill with the Senate bill, and give the committee an opportunity to make available to the whole Senate a report on the bill, including a record of the hearings the committee had held on the Senate bill and a record of its consideration of the House bill. Would that not be the result of adopting my motion?

Mr. JOHNSTON of South Carolina. That would have been the result if the bill had gone to committee.

Mr. MORSE. From the standpoint of the time schedule, does the Senator from South Carolina think I am unreasonable in assuming that for the next 2 weeks, if my motion to refer the House bill to the Senate Judiciary Committee should not be agreed to, we will be in a rather prolonged discussion of the House bill on the floor of the Senate?

Mr. JOHNSTON of South Carolina. I think the Senator from Oregon is correct in his conclusion that we shall probably be discussing it for a long time.

Mr. MORSE. Will the Senator yield for another question?

Mr. JOHNSTON of South Carolina. I yield for another question.

Mr. MORSE. Does the Senator agree with me that my suggestion that we might be engaged in a discussion of the House bill on the floor of the Senate for at least the next 2 weeks is an understatement of fact?

Mr. JOHNSTON of South Carolina. I do not believe the Senator understated the estimate in the least.

Mr. MORSE. May I ask the Senator from South Carolina, if that is true, then is anything to be accomplished timewise by a refusal by a majority of the Senate to send this bill to the Senate Judiciary Committee for its consideration, under instructions to report back a bill, and giving, as the Senator has said, Senators and the public the benefit of the printed proceedings of the Senate Judiciary Committee? Would anything be gained timewise by a defeat of my motion to send the bill to the Judiciary Committee?

Mr. JOHNSTON of South Carolina. As I see it, nothing would be lost.

Mr. MORSE. Does the Senator agree with me that two great benefits would be accomplished by the adoption of my motion; first, the disposal of very important pending emergency legislation, which is now caught behind the logjam of prolonged debate on the House civil-rights bill, and, second, the Senate receiving the benefit of what undoubtedly would be both a majority report and minority views from the Committee on the Judiciary, along with the hearings on which the majority report and minority views would be based?

Mr. JOHNSTON of South Carolina. The Senator is correct in that conclusion. I can go one step further. It would say to the Senate, "In the future it is best for the Senate to send bills to committee, rather than to stop them on the Senate floor."

Mr. MORSE. That is the last question I wished to come to. Would it not also be a great procedural benefit?

Mr. JOHNSTON of South Carolina. It would be a great procedural benefit.

Mr. MORSE. From the standpoint of the history of this body, it would be a very clear notice that it is the intention of the Senate once again to establish the historic custom and practice that when a bill comes over from the House of Representatives we will give the appropriate committee of the Senate of the United States an opportunity to act upon it. If the committee then does not want to keep the trust it owes to the parent body, we have procedures in the Senate which can be used to overrule the committee, should it seek to defeat the will of the majority of the Senate. Is that not true?

Mr. JOHNSTON of South Carolina. The Senator is correct in every reference there. I should also like to invite the attention of the Senate further to the fact, as the Senator well knows, that we have a great deal of business to consider and act upon. This Government of ours is large. The jurisdiction of each committee covers a certain function of the Government, and the committee members are familiar with that particular

function of the Government. For that reason the committee stands in a position to know what to do and what not to do much better than does the Senate as a whole.

I know when a measure comes from some of the other committees, on which I do not serve, and affects a particular department with whose operations I may not be familiar, I lean upon the other committee, its report and its findings, to blaze the way for me to follow. I think most Members of the Senate do likewise.

Mr. MORSE. If the Senator will permit me to say so, as I close this questioning, I plead with my colleagues in the Senate, irrespective of their views on the substantive phase of this problem, to return to the historic committee procedure of the Senate, because, in my opinion, the debate has already demonstrated the need for a report from the Senate Committee on the Judiciary. We have the procedure for getting such a report, by way of the motion I shall offer, to have the committee report back in 2 weeks. We have always had the procedural right to discharge the committee, if we felt that the committee was not cooperating with the parent body.

I do not think we are putting on a very good demonstration in the Senate these days before the American people, by holding the House bill before the Senate without giving the people of the country, as well as the Senate, the right to have a majority report and minority views from the Senate Committee on the Judiciary on this great issue, which involves, in my opinion, an historic issue in which every man, woman, and child in this country has a vested interest.

I am going again to plead with the Senators to take this course. I am very happy that an increasing number of Senators have come to me in recent hours and said, "Wayne, we think there is a lot of commonsense in your motion. We do not know whether or not you can get enough Senators, in time, to come to your point of view."

I believe the American people are entitled to the orderly process which is inherent in my motion. I think that, from the standpoint of the history of the Senate, my motion should be adopted, because the bad precedent we have established is one we ought to erase. We can erase it by the adoption of my motion which I shall make in due course of time.

Mr. ERVIN and Mr. NEUBERGER addressed the Chair.

Mr. JOHNSTON of South Carolina. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from South Carolina be permitted to yield to me for some questions and observations, without his losing the floor.

The PRESIDING OFFICER (Mr. JAVITS in the chair). The Senator from North Carolina asks unanimous consent that the Senator from South Carolina may yield for questions and observations without losing his right to the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. NEUBERGER. Mr. President, may I say to the Senator from North Carolina that I have only one question I want to ask at this point, as to the procedural matter being discussed by the distinguished Senator from South Carolina and the distinguished senior Senator from Oregon, which somewhat perplexes me. I wonder if I could pose that one question.

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. NEUBERGER. I have been listening with great interest and attention to the very informative discussion of procedural problems which has occurred between my able colleague, the Senator from Oregon, and my very good friend, the Senator from South Carolina. This is what I should like to pose as a question: Let us assume that the motion of the senior Senator from Oregon [Mr. MORSE] is adopted, and the Committee on the Judiciary is instructed to report back in 2 weeks. What then happens to the civil-rights bill which is reported back under that order? Will it merely go to the calendar, or will it come before the Senate as the pending business, like this motion?

Mr. JOHNSTON of South Carolina. It would come back to the Senate Calendar, and be disposed of by the majority leader and the minority leader, as any other bill would be. It could be taken up if a majority saw fit to do so.

Mr. JOHNSON of Texas. It would be in the same shape that this bill is now in; on the calendar.

Mr. NEUBERGER. It would be on the calendar. It would later have to come before the Senate, then?

Mr. JOHNSON of Texas. The procedure would be the same as that now being followed. The only difference is that the procedure would not be irregular, but would follow the usual custom. It would give the committee a chance to write its views, make a legislative history for it, and analyze the bill section by section, as is normally done.

As an illustration, I have a letter on my desk this morning from the distinguished chairman of a Senate committee—incidentally, one who voted the other day to put the House bill on the calendar—in which he objected to the Senate taking up last week, without its going to his committee, a bill to permit the majority leader of the other body to accept a decoration. He said that action violated committee procedure, that that bill should have gone to his committee.

By agreement between the leaders, the distinguished Senator from Montana [Mr. MANSFIELD] acting in my absence and the distinguished Senator from California [Mr. KNOWLAND], it was agreed that they saw so objection to adopting the resolution, since a comity exists between the two Houses. A foreign government had offered a decoration to the Democratic leaders. The acting majority leader and the minority leader agreed to take the resolution up without its going to the committee. This morning I received the letter from the chairman of the committee saying that was an irregular procedure and giving me notice that in the future he wants to insist that measures even of that nature go to the committee.

I think he is right. Today I instructed the Parliamentarian to send even such minor measures, involving our personal friends, Members of the other body, the distinguished majority leader and distinguished minority leader of the other body, to the committee.

Under the motion of the Senator from Oregon [Mr. MORSE], House bill 6127 would go to the committee. The committee would meet mornings and afternoons, and evenings if necessary, with a limitation, with a day certain set, and would make its report. The committee would discharge its function, which is a very important legislative function. The committee would write its report. The report would reflect the statistics and data the staff had collected through the hearings which had been held. The report would contain a careful analysis of the bill section by section. It would have recommendations. There would be a majority recommendation and, no doubt, minority views, which Senators could evaluate and study, and accept, embrace, or reject. The bill would go to the calendar, and would be at exactly the same point where the House bill now is. The only difference is that a week or 10 days, or 2 weeks would elapse.

Mr. MORSE. If those of us who favor civil-rights legislation are in the majority, the same majority vote which put the House bill directly on the calendar would be the majority vote required to proceed to consider a bill coming from the Judiciary Committee.

Mr. JOHNSON of Texas. If the proponents of civil-rights legislation have the votes to take up the House bill, they will have more votes to take up a bill coming from a Senate committee, a bill which has been approved by that committee, because the agent of the Senate will have already carried on its deliberations and made its recommendations. We reached a poor day in this body when we refused to permit a House bill even to be considered in committee, and when we felt that we must consider it as in Committee of the Whole, without benefit of a report. But we have reached that point, and we shall act on the motion of the Senator from California [Mr. KNOWLAND], and then on the motion of the Senator from Oregon [Mr. MORSE].

Mr. JOHNSTON of South Carolina. Mr. President, I should like to invite attention to one fact. It is not proposed to send the bill to a committee which is unfavorable to civil-rights legislation. I say that although I am against civil-rights legislation. That committee will report the bill by a vote of at least 2 to 1. We could not expect any more than 5 votes against it, and perhaps not more 4 out of 15. So it is not proposed to send the bill to a committee which is against the bill, but to a committee which has expressed itself time and again, by a vote of at least 2 to 1, in favor of civil-rights legislation. Members may differ on certain points. Lawyers will understand how that comes about. They believe that a great deal of legal study should be given to the bill before it is reported to the Senate.

Mr. MORSE. Mr. President, if the Senator from North Carolina will permit me one further observation, I should like

to have the attention of my colleague [Mr. NEUBERGER] and the attention of the majority leader.

I wish to stress the importance of sending a bill to committee with instructions. Let us be frank. It has been alleged that one of the difficulties which resulted in prolonging the reporting of a Senate bill to the Senate was that the Judiciary Committee met only on regular committee meeting days to consider the bill. When the time for adjournment arrived, the committee adjourned, and consideration of the bill went over until the next regular meeting day of the committee.

Under my motion the bill would go to the committee with instructions from the parent body to a committee to report the bill back by a definite day certain.

I have not been able to find any instance in which any committee has defied the parent body under such instructions. Committees have recognized their clear moral and legal duty to get busy and hold meetings, at whatever times may be necessary, as the majority leader has said, and to submit a report within the time limit.

That is what would happen. We would remove the charge that the Senate Judiciary Committee would consider the bill only at certain regular meeting times.

Under the instructions of the Senate the job of the committee for the next 2 weeks, if my motion is agreed to, will be to consider the bill and get a report back to the Senate. As the majority leader has so rightly said, by so doing we would protect what I think is one of the precious checks and safeguards of Senate procedure, which we have been weakening by the course of action we have been following.

Mr. JOHNSON of Texas. Not only would we be protecting the safeguard, but we would actually be saving time. If the committee considered the bill morning, afternoon, and evening for 2 weeks, we might save several weeks of consideration on the floor of the Senate. As the Senator well knows, a committee can take a bill and analyze it, remove from it certain objections, and add certain good points. The Senate usually follows the recommendations of the committee. But if the committee does not consider the bill, and does not spend 2 weeks studying it, the Senate, as a Committee of the Whole, may have to spend 2 months on it.

Mr. MORSE. That is what might happen.

Mr. NEUBERGER. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. NEUBERGER. I take it from the remarks of the able majority leader that if the bill should be referred to the committee, pursuant to the motion of the senior Senator from Oregon, it could be amended in any way the committee might see fit. Is that correct?

Mr. MORSE. The committee could bring back a different bill, the Senate bill, the House bill, a substitute bill, or an amended bill. However, my motion would call for bringing back a civil-rights bill within 2 weeks.

Mr. JOHNSON of Texas. Amendments may be offered on the floor of the Senate as soon as a bill is made the unfinished business, it is subject to amendments offered by any one of 96 Senators.

Mr. NEUBERGER. But there is no assurance at all that it would be this bill, House bill 6127, in its present form.

Mr. JOHNSON of Texas. None whatsoever. As a matter of fact, I think there is very little assurance that House bill 6127 in its present form will pass this body.

Mr. MORSE. In its present form.

Mr. JOHNSON of Texas. I emphasize "in its present form."

Mr. MORSE. I will say to my good friend that I will take him to lunch if it passes in its present form; and if it does not, he will take me to lunch.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from South Carolina [Mr. JOHNSTON] may be permitted to yield to me for certain questions, and also for certain observations, without losing his place on the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. CASE of New Jersey. Mr. President, reserving the right to object—and I shall not object—I wonder if a question by the Senator from New York [Mr. JAVITS] might be propounded on the procedural question which has just been discussed.

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. JAVITS. Mr. President, I think we all wish to understand the situation. My question is this: Is it not a fact that, although the situation when the Judiciary Committee might report back a bill after 2 weeks would be the same as it is now, it would not be the same as the situation which would exist when the Senator from Oregon made his motion, because at that time the first stage at which extended debate could take place would have been passed? We would have agreed to a motion to make the bill the unfinished business.

My first point is that when the bill came back from the Judiciary Committee we would have to repeat what we are going through now. So, although it is accurate to state that the situation would be what it is now, it would not be the same as the situation which would exist when the motion of the Senator from Oregon was considered. I think that is a very important point, and I should like to make it clear.

Mr. MORSE. I think the Senator is correct. I do not consider it to be an important point at all, because if we have the votes—and I think we have the votes—we shall be able to proceed to handle civil-rights legislation, and we shall be in a stronger position because we shall have on our desks, to read into the teeth of the opposition—I say this respectfully and good naturedly—some of the salient points in the record of civil rights, which I think we should have as an official record to use in the debate. That is what I want to have placed on the desks of Members of the Senate. I want a record from the Senate Judiciary Committee on this issue. I want to use that record, because I am satisfied that good use could be made of it.

I also want to use it because I think that is the orderly way to handle not only civil-rights legislation, but any other controversial legislation.

Mr. JAVITS. Is it not a fact that the motion to take up a bill reported by the Judiciary Committee would be subject to the right of unlimited debate, which could be concluded only by cloture, whereas if we were to vote on a motion to lay on the table, that would close the debate? That is the way a vote is brought about quickly.

Is that not a basic and deep difference? Is not the Senator's point about a report fully answered by the fact that this subject is not being considered de novo in this body? It has been considered very fully and in great detail in the other body.

Mr. MORSE. Mr. President, I disagree with the implications of the observations of the Senator from New York on both points which he makes.

When the bill comes back from the Judiciary Committee, we shall then have an official report from our committee on the bill, which report we can use in debate. Those of us who are in favor of the majority recommendation contained in the report will use it, and those who are on the side of the minority will use the minority views. I am sure that there will be a statement of minority views, in addition to the majority recommendation.

If we have the votes to pass civil-rights legislation, we can then move to make the bill the unfinished business of the Senate, just as the majority voted the other day to place the House bill upon the calendar. However, it was done without first referring the bill to a committee.

Then the debate starts. If we have the votes, we can close debate. If we do not have the votes, we can still break the filibuster by the exercise of physical energy. That is exactly the position the Senate would be in if the Knowland motion were adopted and my motion were defeated. We would still have to have 64 votes to stop the filibuster, if it should develop.

Let me say that it makes no difference to me whether we have to do it once or twice or three times, because in resorting to the cloture rule we either have the votes or we do not have them.

I say most respectfully that the important thing for those of us who are in favor of civil-rights legislation is to put ourselves in such a position that no one can say we did not fully follow the committee procedures of the Senate.

As to the Senator's other point, that this matter is not de novo, I say it certainly is. We do not have the same personnel in the Senate that we had when the civil-rights issue was before us the last time. We do not have the same record before the Senate that we had when the question of civil rights was before us the last time.

I have never found very much soundness—and I say this most respectfully—in the argument: "After all, we know what the issue is all about; all of us ought to be willing to vote on the basis of what we know." Mr. President, our

decisions in the Senate ought to be reasoned decisions of judgment based upon a record. We do not have a record before us. Each man has his own record. We do not have an official record.

Mr. JAVITS. We have the complete record of the House and the record of its committee. Our problem is not to have the votes. I believe we have the votes. Our problem is to get to the time when we can vote. I for one want to accelerate that time. I want to have 1 shot instead of 2.

Mr. MORSE. If we have the votes, the Senator will see that time arrive. However, I do not propose to let the House of Representatives do the Senate's business for us. We have the duty as Senators to see to it that we make the record. I shall never agree to substitute the House record for the Senate record, because my duty as a Senator is to participate in making the Senate record. I do not accept the idea that what we ought to do in the Senate is merely to accept what the other branch may do, or accept the record of the other branch. That is not carrying out our duty.

Mr. JAVITS. I thank the Senator from Oregon.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida without his losing the floor and without breaking the continuity of his first speech?

The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I think we ought to know by now that the distinguished Senator from New York has made it rather clear that what he is interested in is votes rather than issues; votes, rather than equities; votes, rather than facts; votes rather than intelligent handling of the bill.

I heard him say—unless I misunderstood what he said—that the facts were all known and that the issues were all clear; that we have had the advantage of all the facts that could possibly be obtained from the granting of a brief time for the Committee on the Judiciary to check upon this bill and then to make a report to the Senate in the regular fashion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I do not have the floor. I should like to continue with my comments then I shall be glad to yield, if I am permitted to do so.

I call the attention of the Senator from New York to the fact that the leading newspaper of the great State which he, in part, represents, the New York Times, does not so understand this issue. I say that because in its lead editorial this morning the New York Times makes it very clear that until the point was raised by the distinguished Senator from Georgia [Mr. RUSSELL] in his original presentation the other day, the newspaper had not realized that the question of the application of the injunctive process to segregated schools had existed at all under the bill.

I hold in my hand that editorial. I wish to quote some paragraphs from it for the information of the distinguished Senator from New York. Apparently he has not had time to read it. These quotations make it clear that we are bringing out new facts with which the public and even the great New York Times editorial staff were not acquainted; and that, therefore, there is no certainty that the committee, by normal procedures, would not bring out new facts. I quote from the editorial:

> In previous discussion of the civil-rights measure there has been almost total neglect of this one point.

This was with reference to the point of the application of the bill to segregated schools. I continue to quote:

> But until the last few days it has been generally overlooked—so much so that some of the bill's leading proponents now admit privately that they had never even thought of it.

I quote again:

> Yet in all this time no one has made a real issue of the possibility pointed to by Senator RUSSELL that the bill might be used to enforce school integration by injunction.

The Senator from New York may insert the whole editorial in the RECORD if he wishes, but I am trying to point up at this time the fact that the Senator from New York does not at all have the idea about this bill that the leading paper of his great State entertains.

The last quotation I wish to read is:

> It would in no way prejudice the inexorable forward march of school desegregation in the South to make it clear that this bill deals exclusively with voting rights, which is what almost everybody had thought all along it deals with. Integration of schools is quite another matter.

Mr. President, I strongly support the position taken by the distinguished Senator from South Carolina [Mr. JOHNSTON] and that part of the position taken by the Senator from Oregon [Mr. MORSE] to the effect that the committee can greatly illuminate the provisions of the bill, which have already been illuminated in large measure by the debate thus far.

I hope the distinguished Senator from South Carolina will not allow himself to be cozened from his very proper and very correct position by the importunities of the distinguished Senator from New York, aggressive though they may be.

Mr. JAVITS. Mr. President, will the Senator yield at that point? My name has been mentioned in the debate.

Mr. ERVIN. I have already yielded. I yielded to the Senator from New York about 20 minutes ago, when he said he had a short question to ask.

Mr. JAVITS. I was mentioned directly, and I think I should have the opportunity to reply.

Mr. JOHNSTON of South Carolina. I shall be glad to yield to the Senator from New York, if it is agreeable to the Senator from North Carolina, to whom I have promised to yield.

Mr. ERVIN. Certainly.

The PRESIDING OFFICER. Without objection, the Senator from South Carolina yields to the Senator from New York without his losing the floor.

Mr. JAVITS. Mr. President, when the Senator from Florida has served with me for a little longer time, he will find that, although he may not agree with my logic, he will not find me deficient in preparation. I read the editorial in the New York Times to which he has made reference. I read it, not this morning, but last night. I should like to say to the Senator that he does not quite give me the benefit of my argument, which has nothing to do with the merits of the issue. When we come to discuss merits of the issue, he and I can argue them. However, I do not want to be distracted by clarifications and compromises, when the issue before us is clear. I am anxious to have the Senate vote. When we debate the merits of the bill itself, I shall be glad to discuss the merits with the Senator from Florida. He is a good lawyer, I know, and perhaps I am not a bad lawyer either—my past experience tempts me to say that—and I do not think it is fair for him to say that I take the position that I am overriding all considerations of equity and justice. I ask for justice. I ask only that we come to grips with the issue by making the bill the pending business. That is the issue before us. It was to that issue that I directed my remarks.

Mr. HOLLAND. Mr. President, will the Senator from South Carolina yield further?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida for an observation? Without objection, the Senator from South Carolina yields, without his losing the floor.

Mr. HOLLAND. All of us know that the distinguished junior Senator from New York is indeed a distinguished lawyer. He could not have become attorney general of the greatest State in our Nation without having attained eminence at the law.

I am glad to hear him admit that he has read the New York Times editorial. It had not been at all clear to me from what he said up to this time that he had read the editorial or had any knowledge of the very strong position taken on the bill by the New York Times.

I conclude my statement by saying that it seems clear to me that those who are the protagonists, the proponents of the bill, in not wanting to have anything discussed at this time but the question of whether the bill is to be taken up, forget the fact that they have taken many hours of the Senate prior to the motion to take up in discussing the merits of the bill.

I have personally heard long, distinguished, and able, but I think very wrong, arguments for the bill; for instance, by my distinguished seatmate, the Senator from Illinois [Mr. DOUGLAS], on three occasions before the motion was made. Yet I heard him say the other day that it was improper to have any discussion at this time upon the merits. His arguments were upon the merits, and the arguments made heretofore by my distinguished friend from New York have sometimes been upon the merits.

Knowing about people who talk of cloture, under which each Senator is restricted to speaking not more than 1 hour on all the issues which are pre-

sented, and considering the very great, overriding importance of this measure, I think that Senators who want to speak just a little upon the merits of this case have some justification for so doing.

I am becoming fearfully tired of the implication that in 4 days of debate we have trespassed upon the traditions of this great body. I have heard some of the very Senators who are now making that claim argue at great length, both on the motion to place the bill on the calendar, and thereafter on the motion to take up the bill, and make long and distinguished records as able filibusterers upon the floor of the Senate upon other matters which have occurred to them as being matters of importance.

This is a vastly important matter. The debate thus far has illuminated in great measure some of the issues contained in the bill. Other issues will be illuminated, I hope, before the bill is taken up, because we do not have the advantage of thoughtful consideration by an able committee, and a full report thereafter.

I have seen reports on bills of this magnitude which have covered from 30 to 150 or 200 pages. I have repeatedly seen reports on bills of this importance which would have special concurring opinions, objecting opinions, or minority dissenting opinions, which gave the Senate the advantage of various points of view and various approaches to the points in question. Senators should have available such a report on this bill.

I think it is in the public interest, in our interest, and in the interest, believe it or not, of the proponents of the bill to have this kind of discussion, because if the bill is to be rammed down the country's throat in the form in which it now is, it will be found coming up to plague us uncounted times in the future. It is in the interest of all of us to have some discussion of the vital merits of the bill before we come to the period when the time is all cut up and limited, and in which each Senator can have just a few minutes in which to speak.

Mr. ERVIN. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina [Mr. JOHNSTON] be permitted to to yield to me for questions and observations, without his losing the floor.

The PRESIDING OFFICER. Is there objection to permitting the Senator from North Carolina to make observations and comments without breaking the continuity of the speech by the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I should like to be pardoned for making certain personal allusions. I love, above all things, the constitutional and legal systems of the United States. One of my collateral ancestors, John Witherspoon, a president of Princeton University, represented New Jersey in the Continental Congress and signed the Declaration of Independence, which recited, among other things, as a basis for armed revolution on the part of the Thirteen Colonies against England, that England had deprived the Americans of their right to trial by jury in many cases.

One of my ancestors died on the field of battle in the Revolution, in order that we might enjoy our constitutional and legal systems. Another of my ancestors served in the North Carolina Constitutional Convention which ratified the Constitution of the United States.

My father was a member of the North Carolina bar for 65 years. He taught me, above all things, to love our constitutional and legal systems.

I have spent the major portion of my energies and my days studying and applying our constitutional and legal principles to the life of the people of my State.

My only son is a member of the bar, and I have tried to teach him to love our constitutional and legal systems, as I and my forebears have loved them.

When I was assigned to the Subcommittee on Constitutional Rights of the Committee on the Judiciary last January, I made an intellectually honest and unemotional study of the proposed civil-rights bill. As a result of my study, I came to the deliberate conclusion that the bill constitutes a rape upon the constitutional and legal systems of the United States. It is not only designed to circumvent and evade the constitutional right of indictment by grand jury, whenever the Attorney General so elects, and the constitutional right of trial by petit jury, whenever the Attorney General so elects, but it is also designed to give the Attorney General the power to nullify statutes enacted by State legislatures in the undoubted exercise of the power reserved to the States by the 10th amendment.

As I have pointed out in a speech on the floor of the Senate, the bill does not give any person belonging to any minority, whether in the South or anywhere else, any rights whatever. It undertakes to delegate authority to the Attorney General of the United States, whoever he may be, authority which no good man ought to want, and no bad man ought to have.

I do not think the civil-rights bill is right for many reasons; and I know that we who have opposed it have not been treated civilly in connection with it.

On the first day the subcommittee met, a motion was made to report all the civil-rights bills immediately, without any evidence being taken or any arguments being made. Fortunately, that motion was defeated. Then the subcommittee proceeded with the hearings.

The Attorney General, who is asking for power broader than has ever been conferred upon any executive official of the Nation, came before the subcommittee and presented his views with respect to the bill.

The distinguished Senator from Florida [Mr. HOLLAND] a moment ago read from an editorial in the New York Times which stated, in effect, that the editor of the New York Times had just learned that the bill was not a mere voting-rights bill. The editorial expressed, if I understood it aright, some surprise as to why the full implications of the bill had not been pointed out earlier.

When the Attorney General was before the subcommittee, he was questioned about this matter and particularly about title 42, section 1993, which would authorize the President of the United States to call out the Army, the Navy, or the militia to enforce judgments to be rendered under title 42, section 1985, in suits which the Attorney General might bring to obtain judgments in trials without juries. When that question was put to him, the Attorney General said this——

Mr. JOHNSTON of South Carolina. Let me ask the Senator from North Carolina one question. Is it not true that the proponents of this bill went back to the old reconstruction laws, passed in 1866, but were not even satisfied with them; they wanted to make the law a little stronger by amending those laws.

Mr. ERVIN. Absolutely. The Attorney General was asked about the bill, especially concerning whether it would allow the use of the Armed Forces to integrate schools under title 42, section 1993. His answer appears on page 215 of the Senate hearings:

> Mr. BROWNELL. I frankly don't think that it would be appropriate to have an exercise in the interpretation of that statute.

As appears on page 217, I told the Attorney General the following:

> We do think we are entitled to make a record here that will show that if this bill is passed, it will create a new type of remedy in which judicial decrees can be entered, and under which the President of the United States under existing law can enforce by the use of the Armed Forces of the country, so Senators may know what they are voting for.

In the ensuing colloquy, the Attorney General asked the chairman of the subcommittee [Mr. HENNINGS] to rule that it was not germane to ask whether, if the bill were passed allowing the Attorney General to obtain injunctions in suits without juries under section 1985 of title 42, the President, acting under title 42, section 1993, could call out the Army, the Navy, and the militia to enforce the injunctions.

As appears at the bottom of page 217 of the hearings, the Attorney General then said:

> I would respectfully ask for a ruling, Mr. Chairman, as to whether or not this line of questioning is within the authority of the committee.

In other words, the Attorney General did not want to be asked whether the President of the United States would be empowered to call out the Army, the Navy, and the militia, under section 1993 of title 42, to enforce the decrees the Attorney General was asking the Congress to authorize him to obtain without trials by jury, under section 1985 of title 42.

So, Mr. President, when the question was raised as to whether it was beyond the authority of a member of the committee to ask the Attorney General that question, the Senator from Missouri [Mr. HENNINGS] said, as appears at the top of page 216, and as reiterated later:

> As the Attorney General well knows, we cannot conduct these proceedings like a court, nor can we quite adhere to the rules of relevance, germaneness and so on.

So the chairman of the subcommittee ruled that the question was proper, or at least that it could be asked, regardless of whether it was proper or improper. The question had been asked by Mr. Bob Young, of the committee staff, who was acting as my representative; I was present, and he was acting as my representative, by permission of the subcommittee.

After Senator HENNINGS, the chairman of the subcommittee, had said he could not rule out the question on the ground it was not germane, the Attorney General made this request of me as is recorded at the bottom of page 218:

Mr. BROWNELL. Senator ERVIN, I wonder in view of the danger of misunderstanding of this line of questioning, if I might request Mr. Young through you not to proceed any further within this line.

I proceeded to tell the Attorney General that when I was a young man, I used to read Omar Khayyám; and at that point I made the following statement:

Mr. Chairman, I'd hate to refuse any request of the Attorney General, but all we are doing is asking the Attorney General about the laws of the United States which would be brought into operation or which could be brought into operation in this new type of proceeding, if we passed the amendments that have been urged upon us. On the other hand, I consider it most important for the people. I have said all the time that all I want is an adequate opportunity to develop a case, so that people of the United States will know what they are getting, and so the Senators and the Congressmen of the United States will know what they are getting if they pass these amendments. Now, I contend that it reminds me of Omar Khayyám when he spoke about the wine sellers. He said:

"I wonder often what the vintners buy
one-half so precious as the stuff they sell."

I want the American people and the Congress to know what they are getting if these amendments are made, so that they may determine whether what they are to get is half as precious as what they are relinquishing. Therefore, I think it is very germane, and that this country is entitled to know and consider whether Congress ought to pass the law to create a new type of proceeding, judgments of which could be enforced by the Army and the Navy and the militia, and I think that is wholly germane. We want to find out if what we are getting is half so precious as the stuff we are relinquishing.

Mr. Young, at my request, was merely asking the Attorney General a question of law, namely, whether the President could call out the Army, the Navy, and the militia, under section 1993 of title 42, to enforce the decrees which the Attorney General would obtain under section 1985 of title 42, if Congress passed the bill. I thought the question was germane, in order to enable the people of the United States and the Congress, which the Attorney General was asking to pass the bill, to find out whether what they would obtain under the Attorney General's civil-rights bill was half so precious as what they were going to lose. But I never was able to obtain an answer to that question.

Attorney General Brownell, who was asked that question, but did not answer it, is the gentleman who asks for the vast power which would be conferred on him by the bill. If the bill is passed, it will confer upon the Attorney General, Mr. Brownell, and his successors in that office, powers so broad that no human being who ever trod the earth's surface is fit to be trusted with them.

The subcommittee began the hearings on February 14, and continued them on February 15 and February 16. Up to February 16, no limit was placed on the length of the hearings. We were allowed to proceed on the assumption that the hearings would be conducted until all persons who wished to be heard had had an opportunity to be heard. But on the following day—Sunday, February 17—while the distinguished Senator from South Carolina [Mr. JOHNSTON] was at church and I was in my apartment, some of the members of the subcommittee, I am compelled to believe, formed a little conspiracy against us to curtail further hearings on the bill. I say that in the kindest possible way. Whether there was any connection between the reluctance of the Attorney General to appear and to answer questions and that conspiracy is beyond my knowledge, and I draw no inference in that connection. At any rate, on Monday, February 18, when I was about to sit down at the table and eat my breakfast, I was called to the telephone, and told that there would be a special meeting of the subcommittee at 9 o'clock that morning.

The distinguished Senator from South Carolina [Mr. JOHNSTON] was given a notice of the same short character. He and I got to the special meeting, but we were outvoted by the majority of the subcommittee, which adopted a motion to end the hearings on Tuesday, March 5, when the clock reached a certain hour, regardless of how many governors of Southern States and attorneys general of Southern States still desired to be heard. But the Senator from South Carolina and I were outvoted; so we conducted the remaining hearings as best we could.

Let me ask the distinguished Senator from South Carolina whether I have made a fair recitation of what occurred up to that point.

Mr. JOHNSTON of South Carolina. Yes; that is absolutely correct.

Mr. ERVIN. I also ask the Senator from South Carolina if some of the members of the Judiciary Committee did not attempt to have the bill reported even before the hearings could be printed.

Mr. JOHNSTON of South Carolina. That is true.

Mr. ERVIN. Finally the hearings were printed. I prepared, and had printed, and laid before the Judiciary Committee, about 10 amendments, to be considered by the full committee. The civil-rights bill passed by the House was placed upon the Senate calendar before the Judiciary Committee could complete action on my proposed amendments. Mr. President, the bill should be referred to the Senate Judiciary Committee, which has already adopted an amendment giving the defendants in civil-rights cases the right of trial by jury under language similar to that of the Norris-La Guardia Act.

We also had offered an amendment before the Judiciary Committee to strike out part III of the bill, the part which would enable the Attorney General to do whatever he pleased in the entire realm of civil rights. Incidentally, it is part IV which gives the Attorney General authority over voting rights.

We took the position before the Judiciary Committee, and so stated on several occasions, that the majority leader had stated to the press that he did not intend to call up the civil-rghts bill in the Senate until the House had acted on it; that in consequence the Senate Judiciary Committee ought to postpone action on the bill until the House had acted and until the House bill came to the Senate and was referred to the committee; and that when this occurred—we would sit down at the next regular session of the Judiciary Committee—which would be on the following Monday—vote on these amendments, and then vote on the question of whether the bill should be reported to the Senate. Let me ask the Senator from South Carolina whether that is correct.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. ERVIN. I should also like to ask the distinguished Senator from South Carolina this question: If that had been done, would not these amendments by now have been considered by the Senate Judiciary Committee, and would not the Senate Judiciary Committee have had an opportunity to vote on the final question of whether it would report the bill to the Senate; and would not that probably have happened before this time, except for the shortcut which has been taken, by placing the House bill on the calendar of the Senate?

Mr. JOHNSTON of South Carolina. I think the Senator is absolutely correct. In my opinion, the bill would have been reported before now.

Mr. ERVIN. I will ask the Senator just one other question. If that course had been taken, in all probability the Senate would now have before it a majority report and a minority report from the Senate Judiciary Committee on this matter, which reports would give us some enlightenment on this subject. Is that correct?

Mr. JOHNSTON of South Carolina. And a full copy of the hearings would also be available.

Mr. ERVIN. I thank the Senator for yielding.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. Was it not a part of the proposal of the distinguished senior Senator from North Carolina that the Judiciary Committee meet from day to day and mark up that bill?

Mr. JOHNSTON of South Carolina. My information is that is correct.

Mr. ERVIN. After the bill came over from the House.

Mr. EASTLAND. After the bill came over from the House, the committee would meet from day to day to mark up the bill. Is that correct?

Mr. JOHNSTON of South Carolina. That is my recollection.

Mr. EASTLAND. I think the members of the full committee will verify the statement which the distinguished Sen-

ator from North Carolina has just made, and that proposal was turned down, and we were accused of filibustering.

Mr. ERVIN. If the Senator from South Carolina can yield for one more observation without losing the privilege of the floor, I will say I made that suggestion in the utmost good faith. In my judgment, if it had been accepted, instead of the effort being made to ram the bill through without awaiting the House bill, we would have observed orderly procedure and would now be debating the bill on its merits with the benefit of majority and minority reports.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. JOHNSTON of South Carolina. I thank the Senator from North Carolina for his observations. I also want to thank him for his hard work on the subcommittee. He worked day in and day out on the subcommittee, and he gave us the benefit of his ability and experience, he having been a member of the supreme court of his State.

Mr. President, when I was interrupted last evening, I was explaining the bill in detail, section by section. I had reached section 105 of the bill.

Incidentally, the provision of this subparagraph respecting issuance of subpenas over the signature of the Chairman of the Commission or the chairman of a subcommittee contains conflicting language. If the two provisions are to be read in pari materia, then subcommittee chairmen will have more power in the issuance of subpenas then the Chairman of the Commission will have.

It is impossible to overstress the importance of the provisions with respect to subpena powers. The subpena powers that would be given the Commission are, as I have pointed out, extremely sweeping. Under section 105 (f) the Commission would have one of the most important powers of a grand jury. It could require the attendance and testimony of witnesses and the production of evidence in a matter only under study or investigation. There would need to be no suspected violation of the law, as in the case of a grand jury. The power thus granted would be both sweeping and arbitrary. A man in California could be summoned to give evidence in New York, or a man in Florida could be summoned from Florida to give evidence in Alaska. And the summons might be issued for whatever reason the Commission desired, and with or without stating such reason. On the slightest pretense of making a civil-rights study, an ardent supporter of segregation could be plagued by subpenas which could keep him away from his home and business for long periods of time. The subpena powers this section would give the Commission are so broad as to potentially subject every citizen's freedom to the whim of Commission inquisitors. I plead with Senators, again, do not give any such powers to a Commission which is bound to be politically motivated.

Now, in considering part II of this bill, if we did not know the history of the proposal, we might think there was no harm in it. Aside from the question of whether there is need for his services, and thus whether the cost is justified, what basis can there be for making a place for another Assistant Attorney General? But we do know the background of this proposal, and so we know that it is proposed to create in the Department of Justice a so-called Civil Rights Division which will be a sort of American gestapo. We know this for various reasons, and one of them is that the subcommittee report on the predecessor bill, S. 902, of the 84th Congress, disclosed this. That report stated:

> That part of the proposal which provides for additional funds and personnel for research and preventive work would remove the civil-rights section from its current status as primarily a prosecutive agency. The work of this group should be expanded to the prevention of violations before they arise and if personnel were available, the activities of organizations and individuals fomenting racial tensions could be kept under constant scrutiny.

There you have it, Mr. President. The idea is to have this new Assistant Attorney General build an organization which will keep under constant scrutiny such organizations and individuals, throughout the South, as this new gestapo chooses to put under its surveillance on the theory that their activities involve or may involve what the new gestapo regards as fomenting racial tensions. Clearly, it is not even intended that this constant scrutiny shall be limited to persons who are in fact fomenting racial tensions, although the language of the report which I have quoted might lead one to believe that is the case if such language is not carefully analyzed. But when we analyze carefully the language of this report, we see that it refers to expanding the work of the civil-rights division to include the prevention of violations before they arise, and it is for this purpose—that is, for the prevention of violations—that it is proposed to keep organizations and individuals under constant scrutiny. Obviously, the persons and organizations to be kept under constant scrutiny are going to be those that somebody in the higher echelons of the new gestapo thinks likely to be guilty of violations. Certainly it is not going to be limited to individuals who have in fact been guilty of violations.

Incidentally, the question arises, "Violations" of what? It is contemplated that the new gestapo is going to keep certain organizations and individuals under constant scrutiny to prevent violations of State law, or of Federal law? Or is this constant scrutiny going to be maintained for the purpose of prevention of violations of Federal court injunctions? Which one? Or all? Since the Attorney General has said that he wants to use primarily the injunctive power which would be granted under this bill, it seems pretty clear that the constant scrutiny has regard to the prevention of violations of such injunctions. What all this really means is that if this bill is passed, the Attorney General will write orders for Federal judges to sign, in the form of injunctions, and then the new American gestapo, operating under the Attorney General, will go out and maintain constant scrutiny over organizations and individuals which it thinks might violate one of those orders, to see if they can be caught doing anything that would amount to such a violation. Quite possibly—in fact, quite probably—the list of persons and organizations to be kept under constant scrutiny will include any and all the persons and organizations the new American gestapo, or its chiefs, would like to harrass or intimidate, or would like to get something on.

I say to Senators, the Attorney General probably can do all these things now, under existing authority. At least he can do them if the President will go along with him. But the Attorney General apparently hesitates to take the full blame for setting up such a gestapo, and for initiating such un-American practices; or else the President has declined to have a part in the scheme to the extent of exercising his authority in the matter. Instead, both the President and the Attorney General want the Congress to take some action which will then be interpreted by the executive branch as a mandate to set up this American gestapo and to begin this harassment of individuals and organizations which they refer to as constant scrutiny.

Now we come to part III of the bill, which is entitled "To Strengthen the Civil Rights Statutes, and for Other Purposes." Here we have more proposed government by injunction. The two new sections which are proposed to be written into law would put the Attorney General in a position to ask that the order of a Federal judge be substituted for the provisions of the law itself.

Section 121 would add two new paragraphs to section 1980 of the Revised Statutes, which is section 1985 of title 42 of the United States Code.

I wish to invite attention to the fact that that was the statute passed right after the War Between the States. It is known as the old force law.

I also wish to tell Senators that that statute was passed and put into effect at the instigation of Thaddeus Stephens, of Pennsylvania, and Charles Sumner, of Massachusetts. Since then it has been thought that those men were awfully hard on the South. They secured the passage of those particular laws and went a little too far, a great many people thought. I think most of the people of the United States feel that those two gentlemen, in securing the passage of the force law, went a little too far. But the people at the present time are not satisfied by going that far; they wish to amend the law to go a step further at the present time.

There are now three paragraphs in this section. I should like to read them to Senators. This is from section 1985—"conspiring to interfere with civil rights":

> 1. Preventing officer from performing duties: (1) If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required

to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

The second paragraph has to do with "obstructing justice; intimidating party, witness, or juror."

Mr. LONG. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FREAR in the Chair). Does the Senator from South Carolina yield to the Senator from Louisiana?

Mr. JOHNSTON of South Carolinia. I yield for a question.

Mr. LONG. Do I correctly understand that the statute to which the Senator is referring is sufficiently broad that if several people agree among themselves they will vote against an elected public official if he does certain things, that would subject them to prosecution? Is that the implication of the first paragraph?

Mr. JOHNSTON of South Carolina. I believe that is the implication. I shall elucidate that very point in my statement in a moment.

Mr. LONG. Would the Senator mind reading from the first few lines of that section again? I should like to get that firmly in mind.

Mr. JOHNSTON of South Carolina:

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof.

Mr. LONG. If I understand correctly, could that language not be interpreted to mean that if two people get together and threaten to vote against a man if he does a certain type of thing in his office, that would subject them to prosecution? Could that conclusion be drawn from the statute the Senator is reading?

Mr. JOHNSTON of South Carolina. I think that conclusion could well be drawn from the law which is now being dug up, revised, and made stronger.

Mr. LONG. I thank the Senator.

Mr. JOHNSTON of South Carolina. The second paragraph reads:

2. Obstructing justice; intimidating party, witness, or juror: (2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

The third paragraph reads as follows:

3. Depriving persons of rights or privileges: (3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

It is proposed to amend that provision so as to make it a little stronger.

This third paragraph also concerns conspiracies to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States. It covers also conspiracies to injure any citizen in person or property on account of such support or advocacy of any candidate. At the conclusion of this third pragraph of the section, there is a provision that any person who is by such a conspiracy as the section outlines deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. This right of action is to accrue when one or more persons engaged in the conspiracy does or causes to be done some act in furtherance of the object of the conspiracy.

I have read from the act the first, second, and third paragraphs of section 1980. To show how much stronger the law would be made, the fourth paragraph, which is proposed to make a part of section 1980 of the Revised Statutes, reads as follows:

Fourth. Whenever any persons have engaged, or there are reasonable grounds to believe that any persons are about to engage, in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The new language, which the bill before us proposes to add to this section, would give the Attorney General the right to institute a civil action, either in the name of the United States, but for the benefit of some real party in interest, or for the benefit of the United States, not only for the recovery of damages, but for redress or preventive relief including an application for a permanent or temporary injunction, restraining order, or other order.

That means that he could obtain an injunction without first exercising the rights he has under the law. That shows how subtle the new provision is when it is placed in section 1980 of the code.

Let me read section 1993 of title 42 of the United States Code:

§ 1993. Aid of military and naval forces.

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title. (Revised Statutes, sec. 1989.)

Bear in mind that that act was passed in 1866, but it is still on the statute books, and this bill is being tied to it, to give the President of the United States the right to call out the Army and Navy to enforce an injunction which some court may grant at the suggestion of the Attorney General of the United States. That is one thing to which I am bitterly opposed.

Mr. President, I wish to point out the most vicious feature of this section of the bill.

It has been asked on the floor just where in this bill is the provision for the President, or someone he may designate in his stead, to use troops for the enforcement of this bill. It is in this section.

Mr. President, hidden away in the language of section 121 of part III of this bill is reference to section 1980 of the Revised Statutes—title 42, United States Code, section 1985. Section 121 of part III of the bill, on page 9, amends section 1985 by adding 2 new paragraphs.

If we look further into the statutes, we will find that section 1993—title 42, United States Code—provides that the President of the United States, or someone authorized by him, may lawfully use Federal troops and naval forces for the enforcement of section 1985 among others. I now read that statute for the benefit of the Senate:

SECTION 1993, UNITED STATES CODE, TITLE 42 (SEC. 1989 OF THE REVISED STATUTES)

AID OF MILITARY AND NAVAL FORCES

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981—1983 or 1985—and 1992 of this title, or as shall be necessary to prevent the violation and enforce the

due execution of the provisions of sections 1981—1983 and 1985—1994 of this title (Rev. Stats., sec. 1989).

It is quite clear and obvious that this section provides for the President to use force. This section spells out that the President may use troops to enforce section 1985, and if we amend section 1985 with part of the civil-rights bill now lying on the desk, it becomes subject to enforcement by Federal troops and naval forces under the provisions of section 1993. There is no question of it.

It leaves unquestionable the fact that any President of the United States could arbitrarily bring the South, or any other area of the country, to its knees at bayonet point under the provisions of this bill. With the proper Executive directive from the President, the Attorney General, among the other vast powers designated him under the bill, could use troops and naval forces for the alleged purpose of enforcing the proposed law.

The political potentials of this bill are unlimited. If a section of the Nation does not vote right, the Attorney General can direct his civil-rights assistant to join hands with hundreds of political temporary employees of the President's Civil Rights Commission, and invade the section of the country which did not vote right, to stir up every sort of allegation. If the people resisted, the Attorney General could run to the President and obtain permission to "enforce law and order" as he would call it, and then call out the Army and the Navy to take over.

By the way, I notice that under the provisions of the bill the employees of the new agency would all be taken out from under civil control. They are not to be subject to the civil service laws of the Nation. Why was that done? Because it was desired to place them in a position where they could be fired at any time it was desired to do so. If they did not do what was desired, they could be fired the next day.

Mr. President, I submit such legislation can only lead to a complete breakdown in our system of Government. We would live, under this bill, in stark terror from one election to another. If we allow this bill to pass I see the beginning of the end of liberty as we have known it in this country. Enactment of this bill will destroy the bill of rights and create a modern American gestapo state.

The President of the United States will have authority under this bill to send a drafted soldier in the Army into South Carolina or New York to place his own father in jail, once the finger of suspicion has been pointed at him by the Attorney General of the United States. That boy, if he is like any average American boy, will rebel at the thought of sticking a bayonet into his own flesh and blood, and, I suppose, he will then be court-martialed for disobedience.

Mr. President, that is the bill—the type of legislation now before the Senate of the United States. This bill is an all powerful monster, and if placed in the hands of one man to govern it can destroy freedom in America. I have heard "Can it happen here?" Mr. President, I submit that insofar as destroying our way of life and our Government as our Founding Fathers created it, if this monster bill passes, we can all say "It has happened here."

This bill will create an American Hitler out of the Attorney General of the United States and nothing anyone can say on the floor of the United States Senate or elsewhere can convince me differently. Do Senators still want to call this a right-to-vote bill? How anyone can say—especially the President of the United States—that this is mild legislation simply reflects ignorance of the law and of this bill.

It is a dangerous bill.

The paragraphs define the crime of conspiracy to interfere with civil rights, in any one of several ways. The first paragraph of the section concerns itself with conspiracy to prevent an officer from performing his duties. The second paragraph concerns conspiracies to obstruct justice, or to intimidate a party, witness, or juror, or to impede, hinder, obstruct, or defeat the due course of justice in any State or territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws. The third paragraph concerns conspiracies to deprive persons of rights or privileges, including the equal protection of the laws. This third paragraph also concerns conspiracies to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States. It covers also conspiracies to injure any citizen in person or property on account of such support or advocacy of any candidate. At the conclusion of this third paragraph of the section, there is a provision that any person who is by such a conspiracy as the section outlines deprived of having and exercising any right or privilege of a citiezn of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. This right of action is to accrue when one or more persons engaged in the conspiracy does or causes to be done some act in furtherance of the object of the conspiracy.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me for the purpose of proposing a unanimous-consent request, with the understanding that the Senator from South Carolina will be protected in his right to the floor.

The PRESIDING OFFICER (Mr. FREAR in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me for the purpose of suggesting the absence of a quorum, with the understanding that when a quorum is obtained the Senate will receive the Prime Minister of Pakistan, and that at the conclusion of the address of the Prime Minister of Pakistan the Senator from South Carolina will be recognized for an additional 40 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. I thank my friend for his usual courtesy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Frear	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Barrett	Holland	Mundt
Bennett	Hruska	Murray
Bricker	Humphrey	Pastore
Bush	Ives	Potter
Butler	Javits	Revercomb
Carlson	Jenner	Robertson
Case, N. J.	Johnson, Tex.	Russell
Case, S. Dak.	Johnston, S. C.	Saltonstall
Church	Kerr	Smith, Maine
Clark	Knowland	Sparkman
Cooper	Langer	Stennis
Cotton	Lausche	Symington
Curtis	Long	Thurmond
Dirksen	Magnuson	Thye
Douglas	Malone	Watkins
Dworshak	Mansfield	Wiley
Eastland	Martin, Iowa	Yarborough
Ervin	Martin, Pa.	
Flanders	McNamara	

The PRESIDING OFFICER. Sixty-four Senator having answered to their names, a quorum is present.

Under the order previously entered, the Senate will stand in recess, subject to the call of the Chair.

Thereupon (at 3 o'clock p. m.) the Senate took a recess, subject to the call of the Chair.

VISIT TO THE SENATE BY HIS EXCELLENCY HUSSEYN SHAHEED SUHRAWARDY, PRIME MINISTER OF PAKISTAN

During the recess,

His Excellency Husseyn Shaheed Suhrawardy, Prime Minister of Pakistan, escorted by the committee appointed by the Presiding Officer, consisting of Mr. JOHNSON of Texas, Mr. KNOWLAND, Mr. GREEN, and Mr. WILEY, entered the Senate Chamber, accompanied by His Excellency Syed Amjad Ali, Minister of Finance of Pakistan; His Excellency Mohammed Ali, Ambassador of Pakistan to the United States; the Honorable Wiley T. Buchanan, Chief of Protocol, United States Department of State; and Mr. Harold Sims, Legislative Officer for Congressional Relations, United States Department of State.

[Applause, Senators and occupants of the galleries rising.]

The Prime Minister of Pakistan took the place on the rostrum assigned him in front of the Vice President's desk, and the distinguished visitors accompanying him were escorted to the places assigned to them on the floor of the Senate.

There were seated in the places reserved for them in the Diplomatic Gallery, Begum Akhtar Sulaiman, daughter

of the Prime Minister, and other members of the Prime Minister's party.

The VICE PRESIDENT. The United States has no closer friend or ally than the country represented by our distinguished visitor today. It is my privilege and honor to present to the Members of the Senate and to our guests in the galleries, the Prime Minister of Pakistan. [Applause, Senators and occupants of the galleries rising.]

ADDRESS BY HIS EXCELLENCY HUSSEYN SHAHEED SUHRAWARDY, PRIME MINISTER OF PAKISTAN

Thereupon, from his place on the rostrum, the Prime Minister of Pakistan delivered the following address:

Mr. President and distinguished Members of this august House: It is indeed a privilege to be permitted to address you this afternoon, or on any other occasion, as I stand before the chosen representatives of the many States which constitute this great country, the United States of America.

I bring to you the greetings and the warm feelings of friendship from my country, Pakistan. [Applause.] The ties that bind us are far more cordial than those that depend on mere economic relationships. We pursue the same ideals. We have the same outlook on life, on society, on the value of humanity, on the dignity of the individual, on the relationship which should exist between the people and the State. We believe in certain basic values; and these are far stronger ties—based, as they are, on common ideals—than any mundane, ordinary influences.

I have had the privilege of making a pilgrimage to the resting places and the monuments of those leaders of yours who will remain for all time an inspiration not only to you, but also to the world and to all those who believe in liberty, independence, freedom of thought, and freedom of the person.

This morning, I paid my homage to your great hero, George Washington, whose name is now enshrined in the greatest moral precepts which for all time to come will be the basis of human relationships.

I have paid my homage before the monument of Abraham Lincoln, whose immortal words will go down for all time as the most noble that any mortal man we know of could have uttered—an inspiration from on high, that must for all time to come be something of which the world can be proud, as it is proud that it has produced a figure of such stature.

I have paid my homage to Jefferson, who may well be said to have been the creator of the modern States of America.

To you who live amongst them, these cannot but be sources of inspiration from which you draw your moral concepts, and indeed you have shown to the world that you have learned your lessons well.

It is not a small matter for a nation to undertake the task of spreading prosperity and happiness, of undertaking to assure peace and progress, and of assuming the responsibilities of insuring to mankind freedom and liberty. This is not a small task which the United States of America has undertaken, and the impact of its efforts is today felt throughout the world. To undeveloped and underdeveloped nations you have given hope that they will be able to reconstruct their lives. Poverty, grinding starvation, frustration, hopelessness, are the breeding grounds of that new influence, misnamed ideology, which is known as communism. You have, by coming to the assistance of countries that well might have been caught in the whirlpool of misfortunes, given them the hope that they can attain status, through the period of evolution, by your assistance.

I should like to assure the Senate that if you look around you will see how many countries you have reconstructed and put on their feet, how many peoples who were suffering the ravages of war and the aftermath of war, how many nations who had no future to look to, you have reconstructed, and to how many peoples and nations and human beings you have diffused happiness and prosperity. That is a very satisfying picture.

But at the same time I am certain that, much as we may be grateful for all you have done for those countries, much as we may reciprocate in furthering the ideas which you and I profess, there is another, if I may so call it, feather in your cap, namely, that you have done this, not to satisfy your conscience, not as charity to others, but because you feel that God has placed you in such a position that you have realized and undertaken the responsibility of coming to the help of those not so fortunately situated as you.

You have with you a most powerful weapon which your wealth, on the one hand, and the intelligence of your scientists on the other have created, a weapon that can destroy mankind, a weapon that you had in your hand when you could have conquered the world, a weapon that you disdained to use for such purposes, a weapon that you preserved in the cause of peace. That is a wonderful thing. It is a weapon that you are now using to further progress and apply to the cause of peaceful development. [Applause.]

Others have discovered the secrets of that weapon, and others threaten the peace which you are preserving. That is the danger of that weapon. In your hands it was something which preserved peace. God forbid that, in the hands of others, it should be utilized to destroy peace. But we can see that so long as you pursue the paths—the moral paths which you are pursuing—these weapons in your hands will be the greatest deterrent to those who might pursue the paths of war. These weapons in your hands will insure peace for humanity.

I would, therefore, not join my voice with those who merely look upon these weapons as destructive weapons meant to destroy humanity. Were it not for this, heaven knows that by this time possibly the world again would have been engulfed in a terrible, destructive war.

In foreign relations you have pursued the paths laid down by the United Nations Charter, and by doing that you have given hope to the smaller nations of the world that they will be able to secure peace and justice from those of their neighbors who seem to be starting on the road to imperialism.

On the one side the old imperialism is dying and decaying. Countries within its thrall are now gaining independence. And, on the other hand, many countries are now coming under the sway of a new form of imperialism—far more destructive, far more enslaving than the kind which has gone before.

The United Nations offers us an avenue through which we can preserve peace and avoid war. It is a tribunal to which we can carry our difficulties, and from which we can hope to secure justice.

To you who have upheld the dignity of the United Nations, therefore, I render the thanks and gratitude of the smaller nations of the world. [Applause.]

But we see and we have seen that even though we follow the path laid down by the United Nations, many countries which are members of that body deny its validity. In various parts of the world you have been associated with defense agreements, defensive nonaggression pacts, the purpose of which is to stave off aggression and not to attack, not even when provoked. Yet there are countries, members of the United Nations, which reject this policy laid down.

We have seen again that the mandate, the orders, the instructions of this august body are flouted by powerful countries, even though the whole world condemns them. What has taken place in Hungary can never be forgotten by this generation nor even by succeeding generations, and it is a warning to all countries as to what might well befall them if they should become victims of what is called a socialist regime.

Indeed, if one considers socialism in its best aspect, all of us desire and all of us believe in social equality. All of us desire prosperity and happiness for all our countrymen. But the socialism which degrades humanity is the kind of socialism which today assumes to itself the authority to keep other countries under its sway and to enslave them.

Smaller countries—shall I call them naughty countries?—also choose to disobey the orders of the United Nations, relying upon this example of a great country that has defied it. But it must be said to the credit of countries such as the United Kingdom of Great Britain and France, that they obeyed the orders which were issued and have rehabilitated themselves in the esteem of the world.

What shall be done against those countries which disobeyed the United Nations? What shall be done to give power to the elbow of this organization? What shall be done to make its instructions obeyed? That is a matter which must exercise the minds of all those who are anxious to see peace in this world. Each of us has his own ideas on the subject, and this is neither the time nor the forum in which I may expound those entertained by me, but this is certainly a problem which faces all of us.

Mr. President, not long ago you were a distinguished visitor in our country, with your esteemed consort. We have not forgotten your visit or the impact of your visit. You came there on behalf of your country, with good will, as its ambassador, and I assure you that my country has not forgotten your charm, your personality, and the message of good will which you conveyed to us on behalf of the people of the United States. [Applause.]

May I reciprocate those good wishes a thousandfold. I have come to this country for the first time. It has always been—and you can very well imagine why—my great desire to visit a country of which my people have heard so much, regarding which we have felt so much, but of which we have seen so little.

I am happy to be here amongst you, and I wish to thank you most cordially for your kindness, for your reception, and for the manner in which you have received me amongst you.

I wish to render to you again my thanks for giving me this opportunity of speaking to you and conveying to you the greetings of my countrymen in Pakistan. [Applause, Senators rising.]

The VICE PRESIDENT. Mr. Prime Minister, on behalf of the Members of the Senate, I wish to thank you for your eloquent statement and for the expression of friendship you have conveyed from the people and Government of Pakistan to the people and Government of the United States.

It has been brought to my attention that the Prime Minister's daughter is in the Diplomatic Gallery, immediately in front of us. I take the liberty of suggesting that she stand so that our guests and the Members of the Senate may see her.

[The daughter of the Prime Minister, Begum Akhtar Sulaiman, rose from her seat in the gallery, and was greeted with applause, Senators rising.]

The VICE PRESIDENT. There are some other distinguished visitors in the Chamber, among them being His Excellency Syed Amjad Ali, Minister of Finance. We would like to have him stand.

[The Minister of Finance rose and was greeted with applause.]

The VICE PRESIDENT. There is present also His Excellency Mohammed Ali, Ambassador of Pakistan to the United States.

[The Ambassador of Pakistan rose and was greeted with applause.]

The VICE PRESIDENT. In accordance with our custom, Members of the Senate will be afforded an opportunity to meet our distinguished visitor. The Prime Minister will be escorted to the well of the Senate for that purpose.

The Senate will continue to stand in recess subject to the call of the Chair.

The Prime Minister of Pakistan stood in front of the rostrum and was greeted individually by Members of the Senate.

Following the informal reception, the Prime Minister of Pakistan and the distinguished visitors accompanying him were escorted from the Chamber.

At 3 o'clock and 40 minutes p. m. the Senate reassembled, and was called to order by the Presiding Officer (Mr. STENNIS in the chair).

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 7238) to give the States an option with respect to the basis for claiming Federal participation in vendor medical-care payments for recipients of public assistance, and it was signed by the President pro tempore.

CIVIL RIGHTS

The Senate resumed the consideration of the motion of Mr. KNOWLAND that the Senate proceed to the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina, by unanimous consent, yields to the Senator from Texas for the purpose of suggesting the absence of a quorum. The absence of a quorum has been suggested, and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gore	Mundt
Allott	Green	O'Mahoney
Barrett	Hayden	Pastore
Beall	Hickenlooper	Potter
Bible	Hill	Revercomb
Bricker	Holland	Robertson
Bush	Humphrey	Russell
Butler	Ives	Saltonstall
Carlson	Javits	Schoeppel
Case, N. J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S. C.	Smathers
Church	Kefauver	Smith, Maine
Clark	Kuchel	Sparkman
Cotton	Langer	Stennis
Curtis	Lausche	Symington
Dirksen	Long	Talmadge
Douglas	Malone	Thurmond
Dworshak	Mansfield	Thye
Eastland	Martin, Iowa	Watkins
Ellender	McNamara	Wiley
Ervin	Monroney	Williams
Frear	Morse	Yarborough

The PRESIDING OFFICER. Sixty-six Senators having answered to their names, a quorum is present.

The Senator from South Carolina has the floor.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield without losing his right to the floor?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Montana, provided I do not lose my right to the floor.

Mr. MANSFIELD. Mr. President, this has been one of the finest debates on a controversial issue in the history of the Senate. One contribution which will always remain as a shining landmark is the fine speech made by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. President, the dedication of the Senator from Wyoming to liberalism and freedom for the individual cannot be doubted. He was fighting for the people before most of us even discovered that there were causes for which men would do combat.

The Senator from Wyoming has given us an important injunction. It is to stop, look, and listen before we do irreparable damage under the pretext of righting an alleged wrong.

The eminent journalist Martin S. Hayden has written an article, published today, on the views of the Senator from Wyoming. His views are set forth clearly and succinctly, and they carry with them all the conviction and sincerity of which the Senator from Wyoming is capable.

I do not agree with all the views of the Senator from Wyoming; but I believe his contribution to this debate has been extremely worth while.

He has brought to it a proposal based upon thought and reason, rather than upon emotion. He has given us a specific suggestion which can be discussed and shaped in accord with regular legislative procedure.

Mr. President, I ask unanimous consent that Mr. Hayden's article be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star of July 11, 1957]

LIBERAL EXPLAINS WHY HE BACKS FILIBUSTERS

(By Martin S. Hayden)

A proven western liberal — Senator O'MAHONEY, of Wyoming—told today why he defends southern filibusters and why he opposes President Eisenhower's civil-rights program as it is now written.

Senator O'MAHONEY and a handful of other western Democrats, including Senators HAYDEN, of Arizona, and MURRAY and MANSFIELD, of Montana, may be the power balance in the present rights fight. Their votes could give civil rightists the 64 they need to apply cloture and end southern filibustering.

Senator O'MAHONEY insisted today that he wants a rights bill to help southern Negroes and that, in due course, he may support cloture to permit a vote. But he added more positively that he always will oppose basic Senate rule changes that would prevent filibusters and that he will fight the Eisenhower right-to-vote bill in its present form.

CITES STATE CONSTITUTION

The Senator points to a sentence in the declaration of rights of the Wyoming constitution to explain his disagreement with those calling it morally wrong for a handful of Senators to talk endlessly and block all legislative business. It reads: "Absolute arbitrary power over the lives, liberty, and property of free men exists nowhere in a republic, not even the largest majority."

"And," Senator O'MAHONEY adds, "the same thing applies in the United States Senate."

He notes that the Federal Constitution provided for House representation on a population basis while setting up two Senators per State, regardless of the State's size.

"The founders of our system," he says, "recognized that in their day the economy was localized and varied in the States. That is no longer true. But it's still true that problems affecting sparsely settled Western States cannot be settled properly by the teeming multitudes from the big eastern cities. The right to stop action by filibuster helps insure that the majority won't trample over us. That's why every western liberal from William Borah on down has fought for the right of unlimited Senate debate."

LISTS OBJECTIONS TO BILL

On the current row over the Eisenhower rights bill, Senator O'MAHONEY comments tartly: "Too many of the Senators debating it, and of the people urging passage of the program, and of the editors commenting on

it, have never even read the administration bill."

Senator O'MAHONEY lists objections to the bill, some of which he says he is "willing to live with" and others he will oppose forever. He starts with the proposed rights Commission the bill would establish.

"That Commission could go anywhere, inquire into everything, call any witness and force him to testify," he says. "We've already seen how some Congressional committees have pounded on tables and shouted at witnesses in abuse of their broad inquisitorial power. There's no guaranty that we will get any higher degree of judicial temperament in this Commission."

Senator O'MAHONEY similarly "dislikes," because of the precedent it sets, the proviso that the United States Attorney General should be allowed to institute civil suits whenever he finds a suspected rights violation and without the permission of the person offended.

SEES POTENTIAL DANGER

"It gives the Attorney General the right to sue in behalf of Joe Doakes whether Joe Doakes wants it or not," he says. "Let's admit that may be necessary in civil-rights cases in Mississippi where Joe Doakes is afraid to sue in his own behalf. But let's also be sure this doesn't become a precedent for other laws giving the Attorney General power to go anywhere and start legal actions not connected with civil rights."

Senator O'MAHONEY shares the view of outraged southerners protesting the proposed bill's shortcutting of "trial by jury": it specifies that, if the Attorney General wins a court order against an alleged civil-rights violation, the judge can jail for contempt any person subsequently violating that order.

Senator O'MAHONEY would restrict the sentences without jury trial to cases where there is "no material question of fact."

GIVES AN EXAMPLE

"For example," he suggests, "let's assume the Attorney General complains to a Mississippi Federal court that Joe Doakes is being denied the right to vote. The judge issues a show-cause order naming the local registrar, hears the evidence and decides Joe is qualified to vote and being denied that right. He orders the registrar to let Joe register and vote and the registrar refuses. In that case, there would be no material fact in question; the records would speak for themselves and the registrar could be jailed for contempt."

Senator O'MAHONEY says it should be different when the alleged rights violation is more vague. Then, he insists, the Attorney General should be required to start a regular criminal action and a jury should pass on the guilt.

While giving them welcome support, Senator O'MAHONEY believes southern Senators basically are fighting a losing battle.

"Racial equality is coming and the South cannot stop it," he says. "Already Kentucky, Maryland, and parts of Texas have abolished segregated schools. Others will follow surely and gradually. It is obvious that the big problem, and the slowest progress, will be in the areas where the Negro is in the majority. But even there the inevitable cannot be stopped."

Mr. JOHNSTON of South Carolina. Mr. President, when interrupted, I was discussing the new powers proposed to be given to the Attorney General of the United States.

At this time, I desire to inform the Senate that I shall not make an extended speech; I shall only go through the bill, section by section, in an attempt to explain the provisions of the bill in the way that a report on the bill would explain them to the Senate, if the Senate had before it today such a report.

The new language which the House bill proposes to add to this section gives the Attorney General the right to institute a civil action, either in the name of the United States, but for the benefit of some "real party in interest," or for the benefit of the United States, not only for the recovery of damages, but for "redress or preventive relief including an application for a permanent or temporary injunction, restraining order, or other order."

Let us look a little more closely at this provision. Under existing law, a private individual can bring only an action for damages. Furthermore, he can bring this action only when there has been an overt act in furtherance of the alleged conspiracy. It is proposed by means of this bill to let the Attorney General bring an action, not merely for damages, but for redress, or "preventive relief"; and the Attorney General would be authorized to bring this action without any overt act having been performed, because he can bring it "whenever any persons are about to engage in any acts or practices which would give rise to a cause of action." How would it be determined whether any particular individuals were about to engage in any act or practice in furtherance of a conspiracy? Presumably, the Attorney General would form his opinion, and would tell the court what his opinion was, and the court would then act on the basis of that opinion, thus taking away from the jury any rights whatsoever.

Another factor in this situation which gravely troubles me is that the proposed new language would let the Attorney General move into a situation where an aggrieved person had already brought a civil action in his own name under the existing law; and the Attorney General could take that situation out of the hands of the aggrieved person, and into a Federal court, in the name of the United States, and could ask and get relief other or different than the relief sought by the person actually aggrieved or injured. Certainly there should be at least a requirement that the Attorney General bring no action in the name of any individual without the consent of that individual. And certainly there should be a provision restricting the right of the Attorney General to bring, in the name of the United States, an action which would tend to displace or prejudice an action already brought by an injured person.

Mr. CASE of New Jersey. Mr. President, at this point will the Senator from South Carolina yield for a question?

The PRESIDING OFFICER (Mr. STENNIS in the chair). Does the Senator from South Carolina yield to the Senator from New Jersey?

Mr. JOHNSTON of South Carolina. I yield.

Mr. CASE of New Jersey. I have before me a copy of House bill 6127. I would appreciate it if the Senator from South Carolina would point out to me the language of that bill to which he is referring, because in parts III and IV, providing for civil actions for preventive relief, I do not find the language which I understood the Senator from South Carolina to quote a moment ago.

Mr. JOHNSTON of South Carolina. The Senator from New Jersey will find that the bill incorporates, by reference, the earlier paragraphs. In the bill only two paragraphs are to be found at that point in the bill. The other three are incorporated by reference.

Mr. CASE of New Jersey. Is the Senator from South Carolina now referring to section 1985 of title 42?

Mr. JOHNSTON of South Carolina. Yes. It will be found that the Attorney General has the right to bring these proceedings in any Federal court in the United States.

Mr. CASE of New Jersey. Section 1985 provides only for civil actions by the aggrieved party, as I understand.

Mr. JOHNSTON of South Carolina. The Attorney General is to bring the actions.

Mr. CASE of New Jersey. Not under the section as it now stands, I believe.

It occurred to me that perhaps there is some confusion as between House bill 6127 and the bill before the Senate committee.

Mr. JOHNSTON of South Carolina. "The Attorney General may," under the provisions of the bill, "institute" such proceedings "for the United States, or in the name of the United States." That provision is to be found on page 9, in lines 20 and 21.

Mr. CASE of New Jersey. House bill 6127 does not contain a provision using the words "in the name of or for the aggrieved party."

Mr. JOHNSTON of South Carolina. The Attorney General would be able to bring it, if he wished to; that is the principal point.

Mr. CASE of New Jersey. But the Senator from South Carolina used words which I do not find in House bill 6127. The Senator used the words "an action for redress," and so forth, whereas House bill 6127 provides only for a proceeding in seeking preventive relief.

Mr. JOHNSTON of South Carolina. The Attorney General must sue for the relief of some person or persons; he would not go into court unless some person or persons seeking relief were involved—at least, I hope he would not. If he could proceed in court in the absence of a person or persons seeking relief, then the bill is much more far-reaching than I thought it was.

Mr. CASE of New Jersey. I did not mean to interrupt the Senator from South Carolina or to engage in controversy with him; I was merely trying to find where in the bill or in the statute to which the bill applies there is any language about "redress" in the name of the party aggrieved.

Mr. JOHNSTON of South Carolina. That goes back to the first, second, and third paragraphs; and the Attorney General would be authorized to act under any or all of them—under the old laws which were passed in 1866. The bill incorporates them by reference, and thus gives the Attorney General all that control. However, that is hidden; it is not clearly set forth in the bill. Those who favor the bill would not bring it out in the open.

Mr. CASE of New Jersey. I do not find in the bill the language to which the Senator from South Carolina has referred, and I do not believe the language of the bill is quite the same as the language the Senator from South Carolina has quoted. However, I am sorry to have interrupted the Senator from South Carolina. Perhaps later we can iron out this matter.

Mr. JOHNSTON of South Carolina. Mr. President, please note that the proposed fifth paragraph of this section specifically places jurisdiction in the district courts of the United States, and provides that this jurisdiction shall be exercised "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law." This not only means that the Attorney General would have a perfect right, under this proposed legislation, to disregard completely any and all State laws which might be involved; it also means that the district courts would be instructed to accept any action filed by the Attorney General under this new language, without regard to whatever the real party aggrieved might have done or might be doing for the protection of his rights or the recovery of damages. That, in my opinion, is a very vicious and unfair provision.

This bill cannot fail to result in a multiplicity of civil activities sounding in tort, with Federal district courts having jurisdiction. Quite aside from the argument on principle, that these are actions of a kind which never should go to a Federal court—in fact, actions of a kind which should not exist at all—and looking just at the prospective effect upon the work of our already overworked courts, it is clear that the new actions which would be thus authorized could not fail to be a heavy additional burden to the judicial processes. Right now we are holding hearings to see how many additional judges we need in the United States.

Another reason why I strongly oppose the provisions contained in part III of the bill is that they would have the effect of providing for litigation in a civil action, in Federal court, of a question which is essentially one of criminal guilt. The basis for the civil action which this new language would authorize the Attorney General to bring is the existence of a situation in which any persons either have engaged in acts constituting a crime under presently existing law or in which some persons are about to engage in such acts. Leaving out of the question for the time being the matter of the difficulty of convicting a man of intending to commit a crime before he has committed it, and leaving aside also the troublesome question of whether it is proper to make the mere intent to commit a crime an offense in its own right, we will see before us a situation in which guilt is to be litigated in a civil action—a situation in which an individual is to be called to answer respecting a charge that he has performed an act or acts which constitute a criminal offense, but without any indictment, or even any exercise of discretion by law-enforcement officials. For this is to be done on the judgment of the Attorney General or his assistants, acting, not in the capacity of law-enforcement officials but in the capacity of parties seeking redress for injuries, or preventive relief against feared injuries.

Another effect of the proposed new language, which is involved in part III of this bill, in section 121, might be to rob State courts of jurisdiction of offenders actually being prosecuted under State law for civil-rights violations.

The proposed new fifth paragraph of section 1985 requires Federal courts to take jurisdiction of proceedings instituted by the Attorney General "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law." In the case of a criminal prosecution under State law, the State is the party aggrieved. Suppose the State is prosecuting a civil rights violator under its laws, and the Attorney General has previously filed an application in Federal court for an injunction, and the judge has signed an order granting the application. The Attorney General could then ask the court to adjudge the violator in contempt of court under his previous order, and the Federal court would have to take jurisdiction of that case, even though it meant taking the offender out of the hands of the State court and interfering with the State prosecution for violation of State law. It is unthinkable that Congress should create a legal situation in which anything like that could happen; but this bill will do it, if we enact it.

Now let us look at section 122 of the bill, which is another section under part III.

EFFECT OF THE NELSON DECISION

At this point I wish to state the effect of the Nelson decision of the Supreme Court.

The doctrine of preemption—that is, the action of the Federal Government stepping in and preempting the field heretofore reserved to the States—is vividly illustrated by the Supreme Court decision in Commonwealth against Nelson. In that case the Supreme Court of Pennsylvania held invalid the Pennsylvania sedition act on the ground that it was superseded by the provisions of the Smith Act. The Supreme Court affirmed the Pennsylvania Supreme Court decision 6 to 3. The decision is an example of the doctrine of preemption or supersession developed by the Federal courts to the detriment and destruction of State sovereignty and local self-government or State rights.

The decision by the Supreme Court in the Nelson case asserted the preeminence of the Federal Smith Antisubversives Act to the exclusion of the sedition laws of 42 States and 2 Territories. The Supreme Court said that the States may still act in any area where the Federal law has not undertaken to protect the people. This not only seems to be inconsistent with a long line of legal decisions, but it makes States dependent upon the Supreme Court to tell them by the use of some kind of legal presupposition when and where they may enforce their own State laws. This is a step forward by the Federal courts in stripping away State powers.

This exclusion of the States from the antisubversive field makes the enforcement of sedition laws potentially a political matter. In the future it will be entirely up to the President and the United States Attorney General to enforce the sedition laws, and who knows what the politics of future officeholders will be, and how they will interpret their powers?

This doctrine of preemption often establishes a no-man's land even in areas of concurrent Federal-State jurisdiction. Further extension of this preemption doctrine by our Federal courts must necessarily sweep away all States rights.

The existing law under section 1343 of title 28, which section 122 of the bill before us proposes to amend, provides three categories of civil actions over which the district courts of the United States are to have original jurisdiction. Each category is a subcategory of civil actions authorized by law to be commenced by any person. The first such subcategory is civil actions "to recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 47 of title 8. This section is now section 1985 of title 42, the section relating to conspiracies to interfere with civil rights.

The second subcategory of actions over which the present law provides the district courts of the United States shall have original jurisdiction is civil actions to recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 47 of title 8 which he had knowledge were about to occur and power to prevent.

The third subcategory of actions referred to is actions "to redress the deprivation, under color of any State law, statute, ordnance, regulation, custom or usage, or any right, privilege, or immunity secured by the Constitution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States."

Section 122, of House bill 6127, would add another subcategory of actions over which the United States district courts are to have exclusive jurisdiction, namely, actions "to recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote."

There are two points about this provision which should be clearly understood.

First, the language is extremely broad, and, in fact, no one knows exactly what it covers. Second, one thing which it clearly does cover, and which is new, is authority to secure equitable or other relief. Here, again, we have the concept of enforcement by injunction.

The breadth of the language in this proposed new subsection, delineating a new class of actions of which the district courts of the United States are to have original jurisdiction, could only be ascertained at any given time by a very

thorough study of all acts of Congress then on the statute books which might fall within the category: "Providing for the protection of civil rights." Having made such a study and arrived at such a category of statutes, it would still remain unclear whether the right to bring a civil action either to recover damages or to secure equitable or other relief would accrue to an individual by virtue of the mere existence of that act plus the language of the new subparagraph which section 122 of this bill would graft into section 1343 of title 28, or whether we should have to find authority in one of the listed acts of Congress itself in order to justify the bringing of the action. There would be a question, in other words, whether the effect of this new subparagraph 4 would be to grant the right to sue for any injunction or other equitable relief, or whether the effect of this new subparagraph would be only to give the United States district courts exclusive jurisdiction of such an action, when the right to institute the action could be found in an existing statute.

I am very much afraid that this language would be construed—perhaps, might have to be construed—as granting the right to sue for either damages or for equitable or other relief wherever an existing act of Congress could be found providing for the protection of civil rights, and it could be alleged that the individual bringing the action had in fact been injured in some way with respect to one or more of the rights protected by the statute.

This provision is so broad as to constitute one of the most sweeping invitations to litigation that I have ever seen in a Federal statute or in a proposed Federal statute.

The second point about this proposed new subparagraph which should be stressed is, as I have pointed out, the fact that it embodies the principle of enforcement by injunction. In doing this, the proposed new subparagraph also moves from the realm of actions for redress of actual injuries, into the realm of actions for the prevention of threatened, prospective, or anticipated injuries, real or fancied.

This is a development which gives me a great deal of concern. It is contrary to the tradition of Anglo-American jurisprudence. It flies in the face of the presumption that a man is innocent until he is proven guilty. Furthermore, implicit in this provision is the conception of substituting an order of a Federal judge for statute law, either State or Federal.

Thus, this language, if written into law, could have the effect of amplifying every existing statute affecting civil rights, so as to give it prospective as well as retrospective effect. The principle of permitting a private individual to seek an injunction against the violation of an existing statute, with a view to punishing any other individual who may break the law through a contempt proceeding rather than by trial on a charge of law violation could have logical extensions which would destroy our whole existing system of law enforcement. If this can be done in the field of civil rights, it can be done, as I have pointed out earlier, in any other field of violation of criminal statutes. A man might just as well have a right to a general injunction against being robbed as to a general injunction against invasion of his statutory civil rights. Or he has just as much right to an injunction against being slandered, or against being murdered.

In the judicial philosophy of the present day, there is already entirely too much of the feeling that "the law is what judges say it is." We know what the Supreme Court has been doing. Judges and courts should interpret the law; they should not make it. Nor should they reserve to themselves nor attempt to exercise the right to change it, under the guise of interpretation. The theory that courts and judges can and should make criminal law, by the device of issuing injunctions, goes a step further, and it is a very long step, toward upsetting the balance of power principle which has had a large part in helping keep this Government alive for more than 17 decades, and substituting a Government of men for the Government of law which has been our pride and boast.

Now we come to part IV of this bill, entitled "to provide means of further securing and protecting the right to vote." Heretofore the reference has been to something else.

This part of the bill would amend the present section 1971 of title 42, United States Code, by adding three new subsections.

The first of these proposed three new subsections would prohibit actions by individuals to

> Intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

The second of the three proposed new subsections would give the Attorney General the right to institute an action either for the United States or in the name of the United States but for the benefit of the real party in interest, to secure either redress, or preventive relief against any person who has engaged or is about to engage in any act or practice which would deprive any other person of any right or privilege secured by the two preceding subsections. Again, let me point out, we have here the principle of enforcement by injunction, in a particularly broad and obnoxious form.

The third of the proposed new subsections would fix the jurisdiction of all such actions brought by the Attorney General in the district courts of the United States, and would instruct the Federal courts to exercise that jurisdiction without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Several of the evils which I have pointed out in connection with other portions of this bill are gathered together within this part of the bill. We have the proposal for the enforcement by injunction. We have the substitution of the Attorney General's fears for the fears of any party aggrieved or likely to be aggrieved. We have the substitution of the Attorney General's judgment for presentment or indictment. We have the determination of questions of performance of acts which constitute violations of law, not in a criminal court but in a civil proceedings and without jury. Thus, we have also further interference with the constitutional right of trial by jury. And we have complete flouting of State law, complete ouster of State jurisdiction, even where it may have attached in a criminal case.

I can imagine how our States are going to feel. They will say, "This is your baby. You look after it. You have taken over. You are going to have to take charge of it now." That is the way most of the States are going to feel. Heretofore, they have been doing something, but after this bill is passed we can expect the Federal Government to have to do everything.

Now, let us go back to the first of the three new subsections which part IV of this bill proposes to write into section 1971 of title 42 of the United States Code.

One of the obvious objectives of the proposed new subsection (b) is to extend the criminal provisions with respect to interference with the right to vote to primary elections. For this purpose, of course, new legislation is unnecessary; the courts already have held that provisions of the Federal statutes protecting the right to vote apply to primary elections; and by the same reasoning, these provisions already apply to special elections as well.

On the question of whether this proposed new subsection would accomplish any effect with respect to extending civil rights protection to primary elections, I have said that the additional language "general, special, or primary election" would not in fact broaden the law. Let me call attention to the decision written by Justice Holmes in the case of *Nixon* v. *Herndon* (273 U. S. 536), which held the existing law applicable to a primary election. By the same reasoning, the addition of the word "selecting" near the end of the proposed new subsection is also unnecessary and ineffective, since its only effect could be to extend the provisions of the subparagraph to primary elections, and under existing case law, the statutes protecting voting rights already apply to primary elections.

In the decision which I have cited, the plaintiff was a Negro. Defendants were the judges of election. Mr. Justice Holmes said:

> If the defendants' conduct was wrong to the plaintiff the same reasons that allow a recovery for denying the plaintiff a vote at a final election allow it for denying a vote at the primary election that may determine the final result.

Clearly, the reasoning of the Supreme Court in the case of Nixon against Hern-

don, holding section 593 of title 18 of the United States Code applicable to primary elections, would be controlling if the question involved a special election instead of a primary election.

On the question of whether the addition of the phrase "selecting or" so as to make the last clause of the proposed new subsection read: "For the purpose of selecting or electing any such candidate," we may look at the case of *Elmore* v. *Rice* (72 Fed. Sup. 516, affd. 165 F. 2d 387, cert. den., 333 U. S. 875, 68 Sup. Ct. 905) which had the clear effect of bringing primary elections within the purview of the Federal statute protecting the right to vote.

On the point that section 1971 of title 42, United States Code, applies to primary elections, let me call attention also to the case of *Brown* v. *Baskin* (78 Fed. Sup. 933), a case arising in the United States District Court for South Carolina in the year 1948. This case is direct authority for the proposition that section 1971 does apply to primary elections.

Similarly, the case of *Smith* v. *Allwright* (321 U. S. 649, 64 Sup. Ct. 757, rehearing denied 322 U. S. 769, 64 Sup. Ct. 1052), is authority for the proposition that State primary machinery under State control cannot be used to exclude voters.

As the Brown against Baskin case pointed out, even where a State has not by statute regulated primary elections, a political party conducting a nomination is subject to Federal law, including constitutional provisions and is thereby prohibited from discriminating because of race or color in allowing participation in the organization.

In a national election, the right to vote comes from the United States and can be protected by the Federal Government. This was decided back in 1884 in the case of *Ex parte Yarborough* (110 U. S. 651, 4 Sup. Ct. 152). In a purely State election, the right to vote comes from the State; the 15th amendment to the Constitution only creates an exempted area in which the State may not discriminate. That question was settled in a 1901 decision, arising in the United States district court in Indiana, the case being *United States* v. *Miller* (107 Fed. 913).

Thus we see that so far as the proposed new subsection (b) is intended to apply the civil rights protection of Federal statutes to primary elections, it is entirely unnecessary.

What else would the proposed new subsection do? This is a question impossible to answer, because the new language is so broad, so sweeping, that it cannot be predicted with any accuracy just how it will be interpreted or construed, especially by the present Supreme Court of the United States.

This proposed new subsection would make it unlawful for any person to "attempt to coerce any other person for the purpose of causing such other person to vote for, or not to vote for, any candidate" for a series of named offices. The question of what acts would constitute a violation of this statute offers a fertile field for speculation.

Equally speculative is the question of what constitutes intimidation or attempted intimidation, or threat or attempted threat, for a like purpose—that is, for the purpose of causing a person to vote for, or not to vote for, any candidate.

Would a candidate for public office who stated in a public speech that election of his opponent would cause chaos be guilty of intimidation, or attempted intimidation, or threatening or attempted threatening, or coercion or attempted coercion? There is no doubt that he would be trying to cause other persons not to vote for his opponent, but to vote for himself.

Suppose there should be an election in the city of New York which involved as an issue the question of fluoridation of city water. Suppose one of the candidates should be an advocate of fluoridation, and the opposing candidate should take the position that fluoridation of the water would be unsafe, and should say publicly that fluoridation of the water would be harmful to the health of the people of the city. Since the opposing candidate, in the case I have assumed, was pledged to fluoridation, would this not amount to an attempt to intimidate or threaten the voters into withholding their vote from that opposing candidate? Should such a situation constitute a violation of Federal statute? These questions are in the minds of a great many people.

Suppose a candidate for public office had expressed his support of the principle embodied in so-called "right to work" legislation, and was an open advocate of such legislation. Would a union which asked its members to vote against that man on the ground that his election would threaten their union security and, indirectly, their very livelihood, be guilty of a violation of the proposed new subsection we are here considering? It might well be, if we enact this section into law in its present form.

Examples could be multiplied, but I think the point is clear: None of us here knows what would be accomplished if this proposal were written into the statutes of the country. We might be doing vast mischief by enacting this provision into law. I think we should know a great deal more about it than we do now, and about how it will be construed, before we give it our support. I think we should take the time to write a provision which would accomplish precisely what we want accomplished, and nothing more. This provision as it stands would be likely to accomplish far more, in many ways, than any of us here are willing to say we desire.

Now, let us look at the provisions of the proposed new subsection (c): This is the subsection which would give the Attorney General the right to sue for an injunction. It would also give him a number of other rights. It would give the Attorney General the right to take enforcement out of the hands of the States, into his own hands, to take it away from State courts, and put it in Federal courts. It would give the Attorney General the right to ignore a citizen who was aggrieved or thought himself aggrieved by some civil-rights violation, and to proceed in the name of the United States in such a way as to nullify and negative any action that individual might have taken, or might have decided to take, for himself; and it would authorize the Attorney General to do this without even consulting with the party aggrieved.

In connection with this proposed grant of power to the Attorney General, this bill is inconsistent to say the least. Under the preceding section—section 122 of part III of this bill—individuals would be given the right to sue for damages or "equitable or other relief" if they considered their civil rights to have been invaded. Then under the proposed new subsection (c) of section 131, which we are now considering, the Attorney General is given the right to bring an action which would supersede whatever action the individual might have brought, and either put him out of court altogether, or at least take away from him the right to control his own lawsuit.

The third new subsection which is proposed, subsection (d), specifically directs the district courts to exercise jurisdiction over actions brought by the Attorney General under the preceding subsection, "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

The reason that provision was placed in the bill was that at the present time a person must exhaust all remedies he may have available to him before he may ask for equity relief. The bill would do away with that prior condition.

As I believe I have pointed out already in connection with a similar provision in another part of the bill, this means not only that the United States could proceed—that the Attorney General could proceed—without the necessity of paying any attention to State laws which might provide administrative or other remedies. It also means that if the party aggrieved is an individual, and the Attorney General decides he is going to file an action, it does not make any difference what the individual may have done or what he may do; the Federal court is going to take jurisdiction of the Atorney General's action, and proceed with it.

This is about as highhanded a procedure as I have ever seen proposed by a statute. How can anyone support the myth that this bill is intended for the protection of individual citizens, when it is perfectly clear that the major effect of these proposed new provisions is to give a vast and arbitrary power to the Attorney General, in derogation of any rights of the individual citizen, to such an extent as to permit the Attorney General to ignore him altogether.

Let me point out also that here again we have a provision which could and would operate to deny jury trial to an individual who allegedly violated an injunction issued by a Federal judge at the Attorney General's request.

Now, let us look at the standard which is set up as the basis on which the Attorney General may bring his action. The first requirement is that some person "has engaged or is about to engage in any act or practice" and so forth. To be accurate, both the first and second requirements are embodied here; the first is that a person "has engaged or is about

to engage"; and the second is "any act or practice."

It is easy enough, perhaps, to determine whether a person has engaged in some particular act. To determine whether a person is about to engage in some particular act is a much more difficult matter. Unless the person directly declares his intention to perform the act, it is always a matter of opinion, necessarily not based on knowledge, whether he is going to perform it at all.

But we are not in this subsection confined to the performance of acts. There is also the question of engaging in any practice. The question of whether a person has engaged in a practice is far more difficult than the question of whether he has performed an act, because a practice necessarily implies a long-continued course of conduct. But we are not in this proposed new subsection limited even to the question of whether any person is about to engage in a practice. How in the world can this be demonstrated to the satisfaction of any court? To say that a person is about to engage in a practice is to say that a person is about to persist in a long-continued course of conduct. But without prescience, how can we know even whether the person will live long enough to engage in such a course of conduct? How can we know that he will perform repeated acts of a similar nature? How can we know, really, anything at all about what an individual will do over a sufficient period of time to constitute a practice? Remember we are not necessarily dealing here with a question of a man who has been engaging in a practice; we are concerned with the question of a person who is about to engage in a practice. It is absurd to think that this is a standard which would support a criminal prosecution.

But that is the rub: It is not necessary that this standard be sufficient to support a criminal prosecution, because no criminal prosecution is intended here. What is intended is a prosecution—or persecution—for contempt of court. It is not a jury which is going to decide whether this standard has been met. It is the Attorney General, in the first instance, and some Federal judge, in the second instance. And these two men are going to move together toward the ultimate punishment of individual citizens of the United States without indictment, without trial by jury, in short, without the elementary protections to which every citizen has a basic constitutional right. This is not just mischievous. This is vicious.

We see, now, that the provisions of this proposed new subsection (c) are in effect a sort of hunting license issued to the Attorney General, a declaration of open season for birdshot blasts at the civil rights of citizens whose way of life or whose style of thinking is not approved by the Attorney General or his party. What this proposed new subsection says, in effect, is, "If you think you can find a Federal judge who will give you a decision, you can sue just about anybody in the jurisdiction of his court." That is what this subsection means. That is what the principle of enforcement by injunction means.

Now let us look for a moment at the effect of the proposed new subsection (b) and the proposed new subsection (c), considered together. It seems clear to me that the provision for issuance of an injunction to prevent any attempt under color of law to interfere with the right of any person to vote is nothing less than an effort to give Federal courts the right to adjudicate in advance the question of eligibility or qualifications of a voter under State law, or perhaps even without regard to State law, where such determination properly should rest with State courts.

Suppose a State law provides for an illiteracy test to be applied by State officials of a designated class to all applicants for registration to vote. Under the language we have now before us, if we should enact it into law, the Attorney General could seek an injunction or a declaratory order which would state either than certain named individuals, or that all persons of a certain class, were in fact eligible and qualified to vote. The election officials whose duty under State law would be to apply the literacy test, could be enjoined by a Federal judge from administering that State statute. Or the United States attorney could seek preventive relief in the form of a mandatory injunction to require all officials of the class stipulated by the State statute to declare eligible and qualified either particular individuals, or even all voters of a particular class within their respective jurisdictions. This would amount to a complete ouster of State jurisdiction; and that is exactly what the knowledgeable proponents of this bill want to accomplish.

Remember that acting under color of law does not mean acting under some sham which is not a real law; it means acting under law whether or not the law is valid. So we see that the proposed new subsection (b) purports to declare that no law, even though passed by a sovereign State and pursuant to the constitutional right of that State to declare the qualifications for electors within its boundaries, shall have the right to coerce any person not to vote. If this provision should be enforced in that way—and we can depend upon it, if it is enacted into statute the Attorney General will try to enforce it that way—the States would be directly deprived of a power vested in them by the Constitution. But that causes no concern to those who know what is in this bill and are still for it. They know that this bill will strip individuals of their rights to trial by jury. They know that this bill would substitute the rule of individuals—often only two individuals, the Attorney General of the United States and some Federal district judge—for rule by law and under law. They know that this bill would abrogate States rights. They know that this bill, if enacted and made operative, would establish the precedent for an American gestapo, for centralized police power, for regimentation, for developing here between the Atlantic and the Pacific Oceans, and between Canada on the north and Mexico on the south, our own particular variety of totalitarian hell. They know these things; but they are not concerned.

I am concerned; and I say that the people of this country are most vitally concerned. This bill is aimed at the South; but if it is enacted, it will not be the rights and privileges of the South and of southerners alone which will be violated. On the contrary, many of the important constitutional rights of every American citizen will have been weakened, threatened, undermined, or overridden. In the name of protection of civil rights, this bill will do far more harm to far more civil rights than it will ever protect.

Mr. President, I intend to close my remarks at this time, having gone through the bill and having given to the Senate, in a way, a kind of report, something which we should have had from the committee.

I suggest the absence of a quorum.

Mr. ERVIN. Mr. President, will the Senator withhold his suggestion of the absence of a quorum, so that I may ask him a question?

Mr. JOHNSTON of South Carolina. I will withhold my suggestion of the absence of a quorum; and I yield to the Senator from North Carolina.

Mr. ERVIN. If the bill should be enacted, would it not reduce the status of State and local officials in Southern States to a point inferior to that enjoyed by murderers, thieves, counterfeiters, dope peddlers, parties to the Communist conspiracy, and all other persons charged with crime?

Mr. JOHNSTON of South Carolina. That is certainly so, for the simple reason that nothing is said about them in the bill, and no injunction is provided against them; but an injunction is provided against anyone who might in any way interfere with any civil rights.

Mr. ERVIN. I thank the Senator from South Carolina.

The PRESIDING OFFICER.. Does the Senator from South Carolina renew his suggestion of the absence of a quorum?

Mr. JOHNSTON of South Carolina. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Frear	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Barrett	Hayden	Mundt
Beall	Hickenlooper	O'Mahoney
Bible	Hill	Pastore
Bricker	Holland	Potter
Bush	Hruska	Revercomb
Butler	Javits	Russell
Carlson	Johnson, Tex.	Saltonstall
Case, N. J.	Johnston, S. C.	Scott
Case, S. Dak.	Kefauver	Smith, Maine
Church	Kerr	Sparkman
Clark	Knowland	Stennis
Cooper	Kuchel	Talmadge
Cotton	Lausche	Thurmond
Curtis	Long	Thye
Dworshak	Malone	Wiley
Eastland	Mansfield	Williams
Ellender	Martin, Iowa	Yarborough
Ervin	McClellan	
Flanders	McNamara	

The PRESIDING OFFICER (Mr. TALMADGE in the chair) Sixty-four Senators having answered to their names, a quorum is present.

LEGISLATIVE PROGRAM—ORDER FOR RECESS UNTIL 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I have a brief announcement I should like to make for the information of the Senate. I am attempting to schedule the sessions of the Senate to suit the convenience and pleasure of the minority leader and Members on the minority side, as well as Members on this side of the aisle. We are having some problems because there are committees that want to meet. I suggest to the chairmen of those committees that, in deference to their needs and their wishes, the minority leader and I, with the approval of other interested Senators, have agreed to have the Senate meet at 10:30 each morning for the remainder of the week. Therefore, I hope that any chairmen who expect their committees to meet will arrange to meet at 8:30 or 9 o'clock, so when the hour of 10:30 arrives, the committees can adjourn, because objection has been raised by several Members to committees meeting during the time the Senate is in session.

Of course, as all Senators are aware, the Appropriations Committee has consent to meet, and it will meet. It is meeting tomorrow to report the public works bill. We are hoping the committee can take its action before we get into any controversy here on the floor.

I expect the Senate to run late tomorrow evening, 9:30 or 10 o'clock. I expect the Senate to meet at 10:30 on Saturday, and have an unusual Saturday session. I am not prepared to say now how late we will run Saturday evening, but if there are speakers who desire to address themselves to this question, we will attempt to accommodate them.

I hope tomorrow we can work out an agreement on a time to vote on the motion of the Senator from California that will be agreeable to at least the majority, if not to every Member, of the Senate.

I have expressed the hope that the vote may be taken on Wednesday. Other Senators have expressed the hope that the vote could come on Monday. Some would like to vote now. There are some 18 or 20 Senators who are vitally interested in this proposed legislation who desire to address themselves to the motion of the Senator from California before it is taken up, because they consider that a committee is being short circuited, and they want to register their protests for the record and for the knowledge of their constituents and for the information of the citizens of the country.

We do not have any definite agreement beyond what I have stated. I believe that I can say I have never dealt with a more reasonable group of persons than those who have talked to me since this discussion began. We know that this whole subject is one on which Senators have deep convictions. Sometimes they run very strong and sometimes we become emotional, but I believe that no greater compliment could be paid the Senate than to look at the work that has been done during the first 4 days of debate and the manner in which the debate has been conducted. I am deeply grateful to every single Member of the Senate for the contribution he has made, because any one of them could have tipped over the milk.

I am hoping tomorrow we can have a definite agreement. It is always difficult to get everyone to decide on a specific hour and a specific day, but by reasoning together, as we have frequently done, I am hopeful.

Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 10:30 o'clock a. m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING HOUR ON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the Senate convenes tomorrow we have the usual morning hour for the transaction of routine business, including the introduction of bills, petitions, memorials, and other routine business, with statements limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS—COMMITTEE MEETING DURING SENATE SESSIONS

Mr. JOHNSON of Texas, Mr. President, I do not know how many quorum calls we shall have this evening. Several Senators are scheduled to speak. I am in hope we will run until 9:30 or even 10:30, if necessary, and I will keep the Senate informed from time to time.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to my friend from Nevada.

Mr. MALONE. In the last couple of days the Senate has been meeting either at 10:30 or 11 o'clock. Certain committees have been meeting, presumably with the consent of the Senate. Some of us have missed——

Mr. JOHNSON of Texas. Mr. President, may I have the attention of the senior Senator from Oregon?

Mr. MALONE. Some of us have missed answering quorum calls. I understand unless a Senator is physically present he is not counted as being present on a quorum call; but when committees are meeting, presumably with the consent of the Senate, does it count in the same manner?

Mr. JOHNSON of Texas. I am sorry if my friend has missed a quorum call. I know he is very diligent in his attendance. I can sympathize with the situation in which he finds himself.

I remember I carefully calculated last year when I should go to the Mayo Clinic for a checkup, and it appeared that Wednesday was the best day of the week to go. However, when I went there, after a checkup, I telephoned to Washington to ask, "The Senate has not done anything today, has it?" And I was informed, "Yes, there were seven rollcalls." Yet I had been assured that nothing very important was going to happen.

Mr. MALONE. I do not think anything very important did happen.

Mr. JOHNSON of Texas. I will say this to my friend: If any committees are meeting after the Senate convenes they are meeting without the approval of the Senate and in violation of the rule of the Senate. All chairmen of committees have been so informed. I have asked the minority leader to see that the ranking minority members were so notified.

Mr. MALONE. Mr. President, if the Senator will yield further, may I ask: Were they notified before this time?

Mr. JOHNSON of Texas. No. I am afraid we have been derelict in our duty in that regard. I apologize to the Senator. I notified each Senator by an announcement on the floor of the Senate. I made 2 separate statements on 2 separate days, before we tightened up on the rule and made it effective. But we did not notify the chairmen that if they met after the Senate convened they were violating the rule. Of course, it would be presumed that the chairmen knew they were violating the rule, and it would be presumed they knew what time the Senate met.

Mr. MALONE. I thank the Senator from Texas.

Mr. JOHNSON of Texas. We did notify them today, and the Senator from Oregon [Mr. MORSE] notified the entire Senate that he would register an objection to any committee meeting during a session of the Senate.

CONTROVERSY BETWEEN SENATOR JOHNSTON OF SOUTH CAROLINA AND U. S. NEWS & WORLD REPORT

Mr. CURTIS. Mr. President, will the distinguished majority leader yield to me for an insertion in the RECORD?

Mr. JOHNSON of Texas. I will be glad to yield the floor. However, I yield to my friend, the Senator from Nebraska.

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD 2 letters from the U. S. News & World Report, 1 addressed to me, and 1 addressed to the Senator from South Carolina [Mr. JOHNSTON].

There being no objection, the letters were ordered to be printed in the RECORD, as follows:,

U. S. NEWS & WORLD REPORT,
Washington, July 10, 1957.

Hon. CARL T. CURTIS,
Senate Office Building,
Washington, D. C.

DEAR SENATOR CURTIS: In response to your inquiry as to our side of the incident referred to in Senator OLIN JOHNSTON'S criticism of U. S. News & World Report for eliminating a part of his reply to the interview we printed with Postmaster General Summerfield, I am enclosing copy of the letter we sent to Senator JOHNSTON under date of June 26.

Inasmuch as Senator JOHNSTON, in inserting his criticism in the CONGRESSIONAL RECORD on June 24, stated that what he had to say "would serve as a warning to other Senators" and since we believe what he had to say conveyed a wrong impression, we feel that, in fairness to ourselves and in order to present the facts on how we handle reply articles, our letter should also be made available to the Members of Congress. We would, therefore, appreciate it if this letter were

placed in the CONGRESSIONAL RECORD so that both sides will be made a matter of record.

Sincerely yours,

CARSON F. LYMAN,
Managing Editor.

JUNE 26, 1957.

Hon. OLIN JOHNSTON,
Senate Office Building,
Washington, D. C.

DEAR SENATOR JOHNSTON: We have read the CONGRESSIONAL RECORD of June 24, which contains on page 10094, a statement by you referring to an article which we published last week giving your views on the postal controversy. You do not question the accuracy of what was printed but the omission of a few paragraphs from the article you submitted.

We believe that when you are in possession of all the facts, you will wish to correct the erroneous impression about our magazine and its editors created by your statement in the CONGRESSIONAL RECORD.

You stated in the RECORD the following: "I feel strongly, however, that once having agreed to print the article, he violated the code of a newspaperman and publisher when he performed major surgery on my manuscript without first notifying me of his intention to do so."

In your first communication to us you said that you would "appreciate an opportunity to present the opposing side of this complex issue." In my reply I said:

"Your telegram addressed to Mr. Lawrence was referred to me as I am in charge of the news content of the magazine. We would be glad indeed to have you send us at an early date the article on the postal service referred to in your telegram, so that we may publish it in a future issue. Please address the article to my attention."

This was no agreement on our part to print your article without examining it, but merely the customary indication of an intention to publish an article in rebuttal. We had no advance knowledge from you of how long you intended to make the article or what statements it would contain.

I am sure that no editor of any publication who receives an offer of a certain type of article and acknowledges it favorably, binds himself thereby in advance in some sort of code to print everything in the article that is submitted. He may find after he receives it that it contains irrelevant or repetitious or even libelous statements which could be actionable. While anything a Member of Congress might insert in the CONGRESSIONAL RECORD is immune from libel, no other publication enjoys any such privilege with respect to statements that impugn the integrity of individuals or which attribute to them improper motives or ungentlemanly conduct. The article you submitted was reduced somewhat in length because of space considerations. Also, we have a rule in this office that, when letters come in commenting on articles already printed, we omit the sections that raise issues involving personal controversies. To do otherwise would inevitably require us to print interminable rebuttals in future issues of the magazine. This would take up valuable space needed for news developments.

We eliminated from your article several personal references you made to Mr. Summerfield. Irrespective of the merits of such references, we have always eliminated them in letters of reply to articles we have previously printed.

There was no reference to you personally in the original interview we published with Postmaster General Summerfield, so we saw no reason to give space to you for an attack on Mr. Summerfield personally. It might interest you to know that, in the original interview with the Postmaster General, certain references by Mr. Summerfield to Members of Congress deemed to be of a personal nature were also eliminated by us. In other words, we applied the same rule to your article that we did to Mr. Summerfield's interview.

We gave more than three full pages to your reply, which is much more space than we usually give to a reply type of article. We carried also in the same issue a reply article by the president of an express company which had been mentioned in the interview with Mr. Summerfield.

We do not feel that any Senator, or anybody else outside our organization, has the right to decide how much space shall be given in our magazine to articles submitted to us.

There is no reason why any member of your staff could not have been told in advance, and even been shown a copy of the manuscript as handled by our desk editors, if he had so requested. It is our custom to submit such reply type of articles for any revision whenever it is requested before publication.

The member of your staff who brought the article to us asked only that it not be shown to Mr. Summerfield so that he could not prepare a reply for publication in the same issue. This request was unnecessary, because we do not submit for rebuttal to persons outside the articles that come in to us as letters to the editor.

When your article was delivered to us on June 7, it was scheduled immediately for the succeeding issue. When your representative arrived on Wednesday afternoon, June 12, with an insert of 420 words which was to be substituted for a short paragraph of 43 words in the article, we had already determined our press makeup and the space allotments for this particular issue.

The letter left by your representative on June 12 requested merely that in case we could not use the insert in full we were to consult with him. But we made space for the full text of the insert by eliminating a few paragraphs of the interview that were largely historical and whose omission did not seem to us to diminish the main points of your argument.

In order to get the insert into the article it was necessary to eliminate portions previously in type and it was a difficult problem to handle anyway on that date because of mechanical considerations covering those particular pages in the magazine at a late stage of the week.

After I had specifically written you, moreover, that the news content of the magazine was in my charge, you did an injustice to Mr. Lawrence by stating that he "took it upon himself to trim 25 percent of my manuscript without so much as a phone call to let me know what he was up to."

Our desk editors applied the rules which they usually apply in handling letters or communications containing rebuttal material.

So far as the question of courtesy is concerned, we note that although your article came out in our magazine on Monday, June 17, more than a week ago, you gave us no intimation that you were dissatisfied with the handling of the article and, instead of presenting to us your criticisms, you published them in the CONGRESSIONAL RECORD without affording us an opportunity to present to you our side of the case.

We feel that you have done an injustice not only to Mr. Lawrence, but the U. S. News & World Report, and we respectfully await your insertion of this letter in the CONGRESSIONAL RECORD either tomorrow or the next day that is convenient.

Sincerely yours,

CARSON F. LYMAN,
Managing Editor.

ABSENCE OF SENATOR McCLELLAN FROM CERTAIN ROLLCALLS

Mr. McCLELLAN. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield to my friend, the Senator from Arkansas.

Mr. McCLELLAN. I wish to announce that the occasion of my absence on two rollcalls this afternoon was due to the fact I was a witness in Federal court, and I could not be here at the time of those quorum calls.

Mr. JOHNSON of Texas. I thank the Senator.

Mr. President, I yield the floor.

COMPROMISES ON CIVIL RIGHTS BILL

Mr. EASTLAND obtained the floor.

Mr. CASE of New Jersey. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. EASTLAND. Mr. President, I yield to the Senator from New Jersey for a brief statement, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE of New Jersey. I appreciate the courtesy of the Senator.

Mr. President, as a sponsor of the civil rights bill, I am certainly not willing to consider changes now to limit its scope.

I agree with the majority leader [Mr. JOHNSON] and the minority leader [Mr. KNOWLAND] that talk of compromises on the civil rights bill is premature. The immediate matter before the Senate is a procedural one—whether to make this bill the pending business of the Senate. There will be ample time once the motion of the Senator from California [Mr. KNOWLAND] is agreed to, to debate the substance of the bill and to offer and vote on various amendments.

There has been much talk of agreement before the bill is taken up on a jury trial amendment. A good deal of this talk is clearly intended to encourage adoption of such an amendment. There are many of us who have refrained from arguing the merits of such an amendment until the civil rights bill is actually before the Senate. At the proper time, we will direct the attention of the Senate to the weaknesses in such a proposal, and, in due time, I am certain we will muster the votes on both sides of the aisle to defeat such an amendment. Anyone who has studied the matter must realize that its effect would be to make it possible to disobey the law.

ABSENCE OF SENATOR WATKINS FROM ROLLCALL

Mr. WATKINS. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield to the Senator from Utah.

Mr. WATKINS. Mr. President, I was not able to answer the rollcall in time

to get my name on the RECORD. I was detained on a very important matter and could not get here in time.

CIVIL RIGHTS

The Senate resumed the consideration of the motion of Mr. KNOWLAND that the Senate proceed to the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. EASTLAND. Mr. President, yesterday the Senate was treated to another facile flow of words in which much was said, but no assurances were given. We traversed a number of years in the course of the addresses, and while we started with statute, we wound up with party platform.

If the statement of yesterday by one of the proponents of this bill was intended as an answer to the arguments which have heretofore been made by my colleagues from many of the Southern States, then I say I am content to draw the issue of the merits of this bill on whether the interpretation of those who have spoken concerning the dangers of this extreme legislation are sound.

Mr. President, we begin with the law and end with the law. In matters of so much importance to the American people, I cannot, nor do I believe can the Senate, rest content on statements of the intent of the President, or on a statement in a party platform, or on statements of the intention of the proponents. We must at some time come to grips with the question whether this extraordinary power, which the Senator from Georgia [Mr. RUSSELL] so ably exposed on the floor of the Senate, will remain in the bill and hang as a sword over the heads of the citizens of the United States who live below the Mason-Dixon line.

The Senator from Georgia [Mr. RUSSELL] has said this is a cunningly contrived bill. I endorse those remarks, and I cannot see how anyone can contend otherwise if he takes the time and trouble to study the language of the bill and the statutes which are incorporated in the bill by reference.

The Senator from Georgia, in clear and convincing language, with accompanying citations, demonstrated to the Senate of the United States that this bill, with its amendment of section 1985 of title 42, together with the language of section 1993 of the same title, empowers the President of the United States to use the troops of the United States to enforce integration orders affecting our schools. The Senator from Georgia, in my judgment, showed remarkable restraint in that he did not spell out the extreme lengths to which the powers conveyed by this bill and existing law may be carried. He did not, for example, point out that it is possible for the Attorney General to seek an injunction against an alleged conspiracy before an overt act has ever been committed in furtherance of that conspiracy. He did not point out that, if the Attorney General desires, he may seek the issuance of a temporary restraining order or a temporary injunction by use of affidavits with no adverse party being present and with no testimony in rebuttal being received.

To put a man under injunction, place him under the danger of a jail sentence for innocent acts, without notice, is the personification of injustice, Mr. President.

The Senator from Georgia did not point out precisely that if an application for a temporary restraining order were issued, it would be a judicial process as that terminology is used in section 1993 of title 42.

He did not point out that when such a temporary restraining order is issued based on ex parte proceedings, affidavits, if you will, even on belief without actual proof, the President in aid of the execution of such an order may order United States troops to enforce its terms. He did point out, though, that the President of the United States could delegate this authority to some subordinate and still satisfy the terms of the statute. Thus, in order to make graphically clear to the Senate of the United States the possible extreme nature of what is here being proposed, let me summarize what may be done under this bill.

The Attorney General may apply for a temporary restraining order against a conspiracy, though no act has been committed in furtherance of the alleged conspiracy. The judge may issue the temporary restraining order. The President may then, or his subordinate may then, move the troops into a locality to enforce the order.

In other words, Mr. President, there does not have to be violation of an injunction, and there does not have to be defiance of an injunction, but troops can move in when the temporary injunction has been issued. I charge that this can be done without sworn testimony in open court, without notice to the adverse parties, and without the right of cross-examination of the witness who signed the affidavit to ascertain whether the witness is telling the truth or whether he is telling a falsehood.

This is the extreme nature of the statute. This is one of the provisions of this bill which has aroused our ire. It is one of the provisions which compels us to take issue with those who say that this is merely a mild bill relating to voting rights. We see nothing moderate in such a procedure. We see nothing mild in such a procedure, and see nothing in the bill which restricts its measures to the issues of voting rights.

In my judgment, this bill is one of the most extreme delegations of authority of any bill ever seriously considered by the American Congress.

Mr. President, when we see the extremes to which this proposed legislation may be carried, and when we recognize the ardor of those who would press with unsubdued effort to subject us to integrated schools, we of the South see nothing frivolous, nothing inconsequential about the move to take up this bill without it ever having been submitted to the rigors of committee examination.

Mr. President, I think it is possible to give credence to the good intentions of the Senator from Illinois [Mr. DIRKSEN]. I know him. I like him. I work with him on the committee on many matters day by day; and I am content to believe him when he says that he did not intend the extreme results which may obtain from the passage of this bill. But, Mr. President, I cannot and I do not propose to rest the rights of the American people on the basis of my fond regard for the junior Senator from Illinois.

I may say further, Mr. President, that I believe in the good intent of the President, and I do not intend to reflect in any wise upon his sincerity when I make these remarks. But what we are concerned with here today and what we shall be concerned with in the weeks to come is a bill which, if it becomes law, will have a longevity exceeding that of the President of the United States and the Senator from Illinois.

I am in no position to, nor would I undertake to bind the people of this country to a statute with the understanding that it would never be used. I am not a prophet; and I cannot foresee nor do I think any of us present can foresee all the uses to which this bill can be put if it ever becomes law.

But, Mr. President, I can examine the proposed legislation and I can explain to the Senate some of the consequences which may conceivably arise if the bill is enacted.

I recall so well in this regard the words of Jefferson when he said "in questions of power let no more be said of confidence in men."

In addition to the good intentions of the President of the United States and the Senator from Illinois, we are urged to accept the Republican Party platform of 1956 as our assurance that the authority conferred by this bill will never be used. I am told that in the Republican platform of 1956, there was a provision concerning the use of force and violence relating to school-segregation cases in which the Republican Party took a definite stand against the use of violence in the enforcement of court decrees in such cases.

If my recollection is clear—and I think it is—there was a similar statement in the Democratic Party platform of the same year.

Mr. President, I would not defame either of our two great parties. I am confident that the delegates who adopted those platforms believed when they did so that they were stating a principle which should be adhered to at all costs. Yet I cannot forget that when the Republican Party platform was called to the attention of the Attorney General, together with the provisions of section 1993, section 1985, and the provisions of the bill, the Attorney General sought to excuse himself from making direct response to the question on the basis, as I understand, that the subject was too incendiary to be discussed in the committee hearing. Mr. President, I would have preferred if the Attorney General had taken a forthright stand in support of the Republican platform of 1956, but

he exercised his freedom of choice and he did not do so.

I want no one to infer from this that I am imputing to the Attorney General any evil motive by reason of this refusal. All I intend to say is that the declarations of a party platform stand in the legislative history as unsupported, but, as in the case of the good intentions of the President and the Senator from Illinois, I cannot accept for those I represent the high-sounding declarations of purpose in exchange for the clear and unambiguous but cunningly contrived features of this bill H. R. 6127.

As I said at the outset, we begin with a bill and we end with a bill. The law is the law; and it remains so despite any statement of intentions of any party platform, but even if we were to accept the terms of the statute as ambiguous and look for guidance to the legislative history, we would look in vain. There is no committee report on this bill from the Senate Committee on the Judiciary.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Mississippi if he agrees with me in the observation that the test of the wisdom of a law is not what a good man can do under the law, but what a bad man can do under it?

Mr. EASTLAND. Certainly.

Mr. ERVIN. I thank the Senator.

Mr. EASTLAND. Laws are made to curb bad men; and in this case it is proposed that we open the gate wide.

We have been denied the opportunity to submit a Senate committee report; and the report of the Committee on the Judiciary of the House lacks any clarity when dealing with this issue.

Mr. President, the finest treatise and legal document which has been prepared in relation to this proposed legislation in both this and the previous Congress was written by the distinguished lawyer and Senator from North Carolina [Mr. ERVIN] and the distinguished lawyer and Senator from South Carolina [Mr. JOHNSTON]. The report of Senator ERVIN represents, with respect to this proposed legislation, the minority views of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary and because of the method by which this bill is now presented, the minority views are denied the official sanction normally given to such documents.

It is a sad state of affairs, Mr. President, that we are considering here today proposed legislation which is so sadly lacking in its legislative history as a perusal of the hearings quickly indicate.

The entire question of the use of military force to carry out injunctive decrees secured by the Attorney General under part 3 of H. R. 6127 has not been developed and discussed in either the hearings before the Senate committee or the House committee in the 84th Congress or in the counterpart hearings by those two bodies in the 85th Congress. As a matter of fact, the question of the use of force was unknown in the 84th Congress as it was unknown in the hearings in the House committee in the 85th Congress. The question first arose and was developed by the Senator from North Carolina [Mr. ERVIN] in his cross-examination of the Attorney General of the United States before the Subcommittee of the Senate Judiciary Committee.

I hope, Mr. President, that by now we have forestalled the utilization of any more arguments that we ought to accept the bill as it is on the basis of good intentions and party platforms. I would not leave the refutation of the remarks of yesterday, however, without alluding to the statutes which were cited in an endeavor to show that the President had a similar power to that granted in section 1993 in other areas of the law. Specific reference was made on yesterday to section 332 and section 333, title 10, of the United States Code. Those provisions, Mr. President, are probably more vivid in the minds of Senators who sat in the hearings on the codification of that title. But, I have some recollection of those statutes, and that recollection, coupled with the research which I have been able to do in the time which has intervened since the address of the Senator from Illinois, has convinced me that there is no reasonable relationship between the provisions of title 10 and the provisions of section 1993 of title 42. I think that the history of the statute which resulted in section 332 and section 333 of title 10 amply bear out this contention. Section 333 has its origin in an act passed in 1871. Section 332 appeared somewhat earlier. They are both in title 10, under chapter 15, which is entitled "Insurrection."

The statutes relating to the President's power to call out the Army and the militia in times of rebellion or insurrection first saw the light of day in 1795. The statute was entitled "An act to Provide for Calling Forth the Military to Execute the Laws of the Union, Suppress Insurrections, and Repel Invasions; and to repeal the act in force for those purposes." Section 1 of that act relates to foreign invasions and insurrection within the States. Section 2 provides that the President may use the militia if, in any State, the laws of the United States shall be opposed, or the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings. This, Mr. President, by its terms, clearly relates to invasions, insurrection, or rebellion.

Later in our history, it was decided that all the preceding acts of the Congress should be collected in one source, and for that purpose there was passed what has become known as the Revised Statutes. The preface to the work which resulted in the Revised Statutes states as follows:

> This edition is not in any proper sense a new revision of the Statutes of the United States. The commissioner was not clothed with power to change the substance or to alter the language of the existing edition of the Revised Statutes, nor could he correct any errors or supply any omissions therein except as authorized by the several statutes of amendment.

The Revised Statutes are divided into titles. The predecessor laws to the section cited by the Senator from Illinois [Mr. DIRKSEN] yesterday appear in title 59 of the Revised Statutes under the title "Insurrection." In the same volume, the Revised Statutes, there is another statute which appears in another title and concerning which we have had some discussion since this motion has been filed. That statute is the one which now appears as section 1993 of title 42 of the United States Code. In the Revised Statutes, the language of that section appears in title 24 and the title of that section in the Revised Statutes is "Civil Rights."

It should be clear to those who stayed with me from 1795 to 1878 that the collectors of the laws in that day felt that the two statutes were separate and distinct and that they conferred separate and distinct powers upon the President of the United States, one of which could be used in case of rebellion and insurrection, and the other which could be used at the discretion of the President at any time in the aid of the execution of judicial processes.

When we come to more recent days—and by "recent days" I mean 1956—we find that the codifiers took these insurrection statutes from their resting place in title 50, and placed them in a codification entitled "Armed Forces." The codifiers did not include in title 10 the provisions of section 1993 of title 42. They left them in a chapter which is still entitled "Civil Rights."

The same persons who were instrumental in the collection and codification of title 10, that is the employees of the West Publishing Co., also publish the volume known as the United States Code, title 42 of which contains section 1993.

Senators will look in vain in the code for any reference to any repeal or any limitation of the virility of section 1993 of title 42 of the United States Code. It simply is not there.

In the revision of title 10, there was set forth a list of the statutes which would be repealed if title 10 were enacted into positive law.

I suggest to any Senator who was even remotely persuaded by the arguments by the junior Senator from Illinois yesterday that he examine the list of the laws which were repealed by title 10 and satisfy himself that the list does not contain section 1993 of title 42.

That statute remains on the books to be used by any despot, or strong figure on horseback.

Mr. President, in my search of the annotations of the section cited by the Senator from Illinois, section 333 of title 10, I found reference to but one case. That case was *Consolidated Coal and Coke Company* v. *Beale et al.* (282 F. 934), which case arose out of the issuance of a temporary injunction against interference by the defendants who were mine workers to prevent them from removing a great pile of slack accumulated on the premises of the company in the mining district of Perry County, Ohio, at a time when the union was on strike against the company. In that case, the company sought a certificate of the court to aid in securing the authorization of the President to send Federal troops in to prevent violation of the injunction. I am happy to say that

the court refused the application. In the course of the opinion, by Judge Peck, he makes reference without citation to another case in which the district judge stated to the President that a state of insurrection existed making the presence of Federal troops necessary at the time of the Chicago riots in 1894. The opinion does not disclose whether the President in that case ever actually dispatched troops upon request of the district judge, but it does show that the matter was under consideration.

I do not seek to place undue reliance upon a single case, except to say that it is odd that when we examine many of the provisions of this bill, we find that similar tactics were used to suppress the labor movement in its incipiency.

Mr. President, I submit that the bill is a vehicle of coercion and intimidation. Last night I received a telephone call from a very reliable and outstanding newspaperman who is covering the trial at Clinton, Tenn. I am going to say what is behind the bill and what treatment the people of the southern States could expect if it were enacted into law. The newspaperman told me that the United States marshal for that district in Tennessee who testified in the case on yesterday was asked the question why he had handcuffed the 15 men who had been cited for contempt. It is not usual in a contempt case. The United States marshal swore that he handcuffed them under orders of the Department of Justice. I could not believe it. There is only one reason why that would have been done, and that was an attempt to intimidate that community by holding those people in disgrace. It was an attempt at coercion and intimidation. So I asked to have the information placed in writing. Today I received this telegram from a very able, very responsible, very respectable, and leading member of the bar of the United States who is defending those 15 persons. I will read it.

KNOXVILLE, TENN., *July 10, 1957.*

Senator JAMES O. EASTLAND,
Senate Office Building,
Washington, D. C.:

Per your request following substantial testimony United States marshal, re handcuffing Clinton 15: Marshal was asked, on cross-examination why he handcuffed defendants in mere contempt case. He answered handcuffing ordered on instructions of Justice Department.

ROSS R. BARNETT.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Mississippi be permitted to yield to me that I may make an observation, without his losing the privilege of the floor.

Mr. EASTLAND. I will yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I think it would be outrageous if the Department of Justice in Washington—someone in the Department—ordered the United States marshal in Knoxville, Tenn., to place handcuffs or irons on persons whom he was to arrest, regardless of whether they offered resistance to the arrest. I state here and now that that is a matter which ought to be investigated by the appropriate Congressional committee, in order to determine whether such order was issued, and, if so, who in the Department of Justice issued it to the marshal.

Mr. EASTLAND. I thank the distinguished Senator from North Carolina. I think that is a matter for the consideration of the Committee on the Judiciary. I am certain the distinguished Senator from North Carolina does not want to prejudge the matter; neither do I. But is there any doubt in the Senator's mind that this was a plain attempt to intimidate and coerce the people of that community?

Mr. ERVIN. I have never heard of any person being handcuffed or placed in irons unless he offered forceful resistance to arrest or forceful resistance to being carried to a place of imprisonment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. COOPER. I should like to ask the Senator a question. I am sure he knows that orders are issued to United States marshals to follow certain procedures in the arrest and the handling of prisoners. I wonder if the Senator has made inquiry to determine if the procedure which was followed in this case at Clinton was one which is customary and ordinary in the handling of prisoners. If it was the customary procedure there would be no distinction, as the Senator suggests, in the handcuffing ordered in this particular case.

Mr. EASTLAND. Of course, if the normal procedure were being followed that would be one thing. As I have just stated, I received a telephone call last night from a responsible newspaperman. He told me that the marshal had testified that orders or instructions were sent by the Department of Justice in this specific case. I asked that that statement be put in writing, because I could hardly believe it. I have placed the telegram in the RECORD; it speaks for itself. That is the construction which one of the ablest trial lawyers in the United States placed on the testimony of the United States marshal.

Mr. COOPER. My purpose in asking the question was to point out a distinction. It is whether the marshal himself had made the decision to handcuff upon the basis of what he construed to be his general orders or whether he had been directed in this particular case to use handcuffs.

Mr. EASTLAND. I have told the distinguished Senator what the newspaperman and the attorney said; the matter speaks for itself.

Mr. COOPER. I think the Senator will agree that there is a distinction.

Mr. EASTLAND. Of course there is a distinction.

Mr. COOPER. Unless there was reason to indicate that there was danger, I would agree that the handcuffing to which the Senator referred is not a practice which seems necessary. But before charges of coercion are made, it is important to know whether the Attorney General of the United States, in this specific case, ordered the persons to be placed in handcuffs, or whether the marshal took it upon himself to do so, acting under general orders.

Mr. EASTLAND. I do not know from whom in the Department of Justice the instructions came. I am accusing no one. These are the facts; they speak for themselves. It was the impression and the belief of the gentlemen to whom I have referred that the instructions came from the Department of Justice in this case. They heard the testimony; that was their opinion about it.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. ALLOTT. The Senator has raised this point, and I know he desires to be eminently fair about it. The raising of the question in this way can only raise the presumption in the mind of anyone who may read the Senator's speech later that special instructions were given in this case. May I ask the Senator if he inquired whether the instructions were special instructions for this case?

Mr. EASTLAND. I have tried to make it clear that it was my understanding, based upon the telegram and the telephone conversation, that they were special instructions for this case.

Mr. ALLOTT. Does the Senator not think that before we become excited about Congressional investigations——

Mr. EASTLAND. The Senator from North Carolina mentioned the investigation. That is a matter for the Committee on the Judiciary to determine. I am not a prophet, and I am not going to comment on that phase of the matter.

Mr. ALLOTT. May I ask this question——

Mr. EASTLAND. A question, yes.

Mr. ALLOTT. I am not trying to make a speech; I am not trying to usurp the Senator's time.

Mr. EASTLAND. I understand.

Mr. ALLOTT. Does not the Senator think that in order to clear up this matter, the testimony of the marshal should be placed in the RECORD as an addendum to the Senator's speech, either now or tomorrow or whenever the testimony is available, so that those who read the RECORD can judge for themselves whether there were special instructions for this case, or whether they were a part of the marshal's standing instructions?

Mr. EASTLAND. I am willing to have the matter rest on this telegram. I have implicit confidence in the integrity of the lawyer who sent it.

Mr. ALLOTT. I, too, might have implicit confidence in the integrity of the lawyer, but still he might be mistaken.

Mr. EASTLAND. He might be; certainly. I might fly out that window now, but I am not going to do it. I am not trying to hide anything in this case; I simply want the facts to come out; that is all.

Mr. ERVIN. Mr. President, will the Senator yield again, with the understanding that he will not lose the privilege of the floor?

Mr. EASTLAND. I yield.

Mr. ERVIN. I know nothing about the facts of the matter to which the distinguished Senator from Mississippi has referred, but I know that in my State of North Carolina we have laws against

putting handcuffs or irons on persons when they are brought into court. I think it is a serious enough matter to determine whether orders went out from the Department of Justice in this particular case to use handcuffs or irons when the particular defendants were arrested. I agree with the distinguished Senator from Kentucky [Mr. COOPER] that if that was the uniform practice, it would be a different matter.

Mr. EASTLAND. There would be nothing to it.

Mr. ERVIN. Nevertheless, I think it would be an outrageous uniform practice.

Mr. EASTLAND. Certainly.

Mr. ERVIN. In my opinion the use of handcuffs or irons can be justified only when the persons arrested use force in resisting arrest or in attempting to escape from custody.

Mr. EASTLAND. Mr. President, the point I make is that the telegram speaks for itself. The meaning of the telegram is that instructions went out from the Department of Justice for the handcuffing of these particular 15 men; and I have confidence in the lawyer who sent the telegram, whom I have known for many, many years.

Mr. COOPER. Mr. President, at this point will the Senator from Mississippi yield to me?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. EASTLAND. I yield.

Mr. COOPER. I do not wish to interfere with the delivery of the Senator's speech.

Mr. EASTLAND. Mr. President, I have agreed to speak for one hour and a half; and at this time I should like to discuss other phases of the subject if the Senator from Kentucky will permit me to do so.

Mr. COOPER. Certainly.

Mr. EASTLAND. Mr. President, the bill is based upon assumptions which are monstrously false. I do not believe that any people, anywhere, has been so vilified, maligned, libeled, and misrepresented as have the southern people.

The people of the South are a good and law-abiding people. They are an intelligent and God-fearing people. As much justice and Americanism are found in the South as in any other section of the country. The Southern States have no peer in patriotism. Southern people have stood steadfast to uphold our Constitution and our American Government.

History and conditions beyond the control of the people living in the South have saddled them with a racial problem—a problem found only in very limited areas in certain metropolitan centers in other sections of the country. Faced at all times with the actual realities of this great problem, it has been faced and dealt with in a constructive manner by the responsible leaders of both races. A system has been worked out whereby each race lives side by side in peace and harmony. There is mutual respect each for the other. Both races are free to work out their own future and to develop the talents with which they are endowed by God, to the utmost of their abilities. History records great progress by the Negro in the South. He is happy, contented, and satisfied. There is no demand from southern Negroes for this proposed legislation. They desire equal schools for their children. This they are receiving. They desire economic equality. This they possess and enjoy.

Mr. President, why do the white people of the South today stand indicted before the Nation? What is the cause? What is the reason? The logic of conditions in the South affords no answer. The demand for this proposed legislation is not southern in its origin. It is not requested, aided, abetted, or encouraged by 99 percent of the members of the Negro race who reside in the Southern States, and who are the ones affected.

The bill would suspend the Constitution for southern people. It proposes sectional legislation aimed at the South.

It would deny to them the very rights, privileges, and immunities and equal protection of the laws which are the basic rights of a free people. With this bill, there can be no liberty below the Mason and Dixon line.

It would make of the Southern States conquered provinces. In its essence, it would deny to the Southern States the fundamental base of the American system of government—and that is the right of self-government. In all history, no people have been free without self-government. I submit that in view of the vast powers the bill would give to district judges, the bill would be a long step toward the destruction of self-government in the Southern States.

The bill erects over the southern people, and makes them subject to, a powerful dictator, in the name and form of a life-appointed district Federal judge, himself subjected to the wisdom of the life-appointed United States Supreme Court.

If this bill is enacted, Mr. President, liberty in America will be dead. Southern people will be lower than second-class citizens. A vote for this bill will be one to destroy our Government. It will be a vote to subjugate a great and free people.

The bill has been palmed off as a mild measure; yet it is indicted for the following reasons:

First. It can destroy freedom of the press by coercing reporters and newspapers into the guise of compulsory informers required to divulge their sources of information, if necessary, at bayonet's point.

Second. It borrows the very worst form of Stalin tyranny, because children can be made to inform upon their parents, friend upon friend, neighbor upon neighbor, under penalty of order of the court, sentence to prison, or by the use of armed forces. In addition, by an ingenious devise it nullifies the right of peaceful assembly, as guaranteed by the Bill of Rights.

Third. It offends the basic American concept that ours is a government of law, not a government of men, for it establishes a new precedent for the vindication of the civil rights of private persons at public expense, and it confers upon the Attorney General the despotic power to grant or withhold the supposed benefits of the new procedure, at his uncontrolled discretion.

Fourth. It vests in the Attorney General the autocratic power to nullify State laws duly created by State legislatures in the undoubted exercise of the legislative power reserved to the States by the 10th amendment to the Constitution.

Fifth. It sets up the legal basis of integration of the schools by use of the Army, Navy, or militia. This forced integration by use of the bayonet is not limited to the schools, but covers, under the extension of the Girard College case, swimming pools, recreation areas, transportation, and most social activities, both public and private. Mr. President, let me say that I think an attempt will be made to get the Court to hold that private theaters or hotels or private businesses that operate under corporate charters granted by a State will be in violation of the 14th amendment if the social order of the South is carried out in those private facilities.

Sixth. It robs Americans involved in civil-rights disputes of the basic and invaluable safeguard of the constitutional right of indictment by grand jury, the constitutional right of trial by petit jury, the statutory right of trial by jury in indirect contempt cases, and the statutory right to the benefit of limited punishment in indirect contempt cases. It does this by a perversion of the powers of equity. It creates a term unheard of in the law; namely, criminal equity.

Seventh. It establishes government by men and injunctions, instead of government by laws.

Eighth. It empowers the Attorney General to institute and promote at public expense myriads of lawsuits for the avowed benefit of any alien, citizen, or private corporation.

Ninth. The purpose of the bill is to use all Federal power for the destruction of the social order in the Southern States.

H. R. 6127 does four things:

First. It establishes in the executive branch of the Government a Commission to study civil rights and to make certain reports;

Second. It provides for an additional Assistant Attorney General in the Department of Justice, presumably to head a Civil Rights Division;

Third. It purports to strengthen certain existing civil-rights statutes by setting up civil remedies;

Fourth. It purports to further strengthen and protect the right to vote, by adding to existing law certain procedural remedies.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi yield for a question?

Mr. EASTLAND. I yield.

Mr. LAUSCHE. I listened with great interest to the description the Senator from Mississippi gave of the powers proposed to be vested, in the case of compelling citizens to disclose information, under the penalty of punishment if they do not do so. Where in the bill is the provision of that power to be found?

Mr. EASTLAND. I shall discuss that a little later, in the course of my remarks.

Mr. LAUSCHE. Very well. I thank the Senator from Mississippi very much.

Mr. EASTLAND. Mr. President, the Commission proposed for the executive branch of the Government would be for the purpose of making studies and investigations which are within existing authority of the standing committees of the House and the Senate.

The Legislative Reorganization Act confers jurisdiction on all matters involving civil liberties in the respective Judiciary Committees of both the House of Representatives and the Senate. To encompass civil rights by the broader term "civil liberties" is a matter within the jurisdiction of the two Committees on the Judiciary of the Congress.

What this bill really seeks to accomplish is a further, unwarranted delegation by the Congress of its authority to the executive branch of Government.

The proposed Commission would have three responsibilities which are denominated duties in the bill. First of all, the Commission would have the duty to investigate alleged deprivation of the right to vote by reason of color, race, religion, or national origin. Then, it would have the duty to study and collect information concerning local developments constituting a denial of equal protection of laws under the Constitution. It would further be charged with the duty to appraise the laws and policies of the Federal Government with respect to equal protection of laws under the Constitution. In order to carry out this delegation of authority, H. R. 6127 proposes to confer upon the Commission the power of subpena and, with the aid of the courts, the power to punish for contempts.

The duties of the Commission relating to "equal protection of laws" would be as broad as the desires of the Commission. It is impossible to reconcile this broad delegation to the Commission with the criticism, within any recent Supreme Court opinions of the delegations of authority by the Congress to its Congressional committees. As late as June 17, 1957, the Supreme Court said in the Watkins case that the Congress must state with particularity the duties of the investigating committees it creates. The Court would be bound to exact a similar requirement if the Congress created an executive Commission with vague and undefined powers, and armed the Commission with the powers of subpena and contempt. What could the Court say when it was confronted with a contempt citation rising out of a study, by a Congressionally created Commission, of the "equal protection of laws under the Constitution?" Even the Supreme Court itself has no idea over any extended period of time what the words "equal protection of the laws" mean.

Under this proposed legislation, the Commission which would be created would receive the power to subpena witnesses and documents. Traditionally, the power of subpena has been used primarily by the courts and legislatures. Only in the comparatively recent past has it been available to the members or agencies of the executive branch of the Government.

Mr. President, it would take hours to describe and delineate the Pandora's box of evils and iniquities which would be opened by creating such a Commission as this. I wish to assure you that that task will not be neglected by me at a later time in this debate.

H. R. 6127 would authorize the appointment of an additional Assistant Attorney General. His duties are not defined, but it is certain that he would head a new Civil Rights Division in the Department of Justice. In view of the fact that pressure groups would insist that this division act as guardian for so-called minority groups, no one can foretell at this time the number of officers who inevitably would be required to exercise the autocratic and despotic powers which H. R. 6127 is calculated and intended to confer upon the Attorney General. All that one can predict with any degree of certainty at this time is that the Attorney General would employ swarms of officers to harass our people, and eat out their substance.

Mr. President, the deceit and deception contained in H. R. 6127 are due primarily to incorporation, by reference, of long-dormant provisions of the old force acts. These old statutes automatically arm the Attorney General and the President with vast and far-reaching powers that extend even beyond the limits of human imagination.

Part III of H. R. 6127 is the part that should forever put to rest the assertions that this is mild proposed legislation, and purely remedial.

Part III would amend the Civil Conspiracy Act, title 42, United States Code, section 1985, by adding procedural remedies thereto.

Title 42, United States Code, section 1985, is an existing civil statute, on the books, which gives an aggrieved party the right to sue for damages those who conspire to abridge any one of three enumerated classes of civil rights. The bill, H. R. 6127, grants the Attorney General the right to seek injunctions when people have engaged, or there is reasonable grounds to believe they are about to engage, in acts or practices to set up or further the conspiring defined in existing law. Another provision of H. R. 6127 in part III permits this remedy to the Attorney General without regard to the pursuit of administrative or judicial remedies existing within the States. Right there I would say there is an attempt to nullify State statutes, which I think is in violation of the Constitution of the United States.

Part III is as broad as the moon and as deep as the ocean. It defies comprehension without arduous and deep study.

Title 42, United States Code, section 1985, is a part of the old force acts, which were the living and breathing heart of the unconstitutional legislation which was foisted on the Southern States during the reconstruction era. The criminal counterpart of the statute using almost the identical phraseology was declared unconstitutional. The statute was derived from the acts of 1861 and 1871. I ask unanimous consent that section 1985 be printed in the RECORD at this point.

There being no objection, the subsections were ordered to be printed in the RECORD, as follows:

Conspiracy to interfere with civil rights.

First. Preventing officer from performing duties.

If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof; or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

Second. Obstructing justice; intimidating party, witness, or juror.

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws.

Third. Depriving persons of rights or privileges.

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, of one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation against any one or more of the conspirators.

Mr. EASTLAND. As late as 1951, Justice Jackson eloquently described the

statute in *Collins* v. *Hardyman* (341 U. S. 651). He said in part:

This statutory provision has been long dormant. It was introduced into the Federal Statutes by the act of April 20, 1871, entitled "An Act to enforce the provisions of the Fourteenth Amendment to the Constitution of the United States and for other purposes."

The act was among the last of the reconstruction legislation to be based on the "conquered province" theory which prevailed in Congress for a period following the Civil War.

This statute, without separability provisions, established the civil liability with which we are here concerned as well as other civil liabilities, together with parallel criminal liabilities. It also provided that unlawful combinations and conspiracies named in the act that might be deemed rebellious, and authorized the President to employ the militia to suppress them.

The President was also authorized to suspend the privilege of the writ of habeas corpus. It prohibited any person from being a Federal grand or petit juror in any case arising under the act unless he took and subscribed to an oath in open court that "he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy."

Heavy penalties and liabilities were laid upon any person who, with knowledge of such conspiracies, aided them or failed to do what he could to suppress them.

The act, popularly known as the Ku-Klux Act was passed by a partisan vote in a highly inflamed atmosphere. It was preceded by spirited debate which pointed out its grave character and susceptibility to abuse, and its defects were soon realized when its execution brought about a severe reaction.

This is the statute which is now being resurrected by the Attorney General as an instrument of tyranny and oppression to be applied solely and alone when, if, and where the Attorney General may deem advisable.

I had always thought the law applied equally to every person under the same circumstances. Here it is proposed to give the Attorney General power either to grant rights or to withhold rights.

He proposes to apply this power in the name of the United States in civil actions for injunctive relief, with or without the consent of the alleged aggrieved parties—actions in which the Federal judge can assess severe monetary damages, without the participation of a jury in determining guilt or innocence.

Mr. President, nothing could be of greater importance to the people of this country than the matters I am now discussing. During the course of the interrogation of the Attorney General before the Senate subcommittee, he was asked time and time again what kind and character of overt acts, what class of cases, would he consider as justifying action on his part in moving against defendants under part 3 of the bill. He positively and categorically refused to give an answer to this question.

This bill, offered in the second half of the 20th century, has the tone and equality—yes; and the purpose—of the tragic reconstruction and force acts of 1866, of 1870, of 1871, and of 1875. This bill can be discussed intelligently, in all its implications, only with a consideration of the historical background of those acts.

The proponents of this legislation who, wittingly or unwittingly, would impose upon the South today a 20th century version of the oppressive reconstruction statutes, should heed the words that were uttered on the courthouse lawn in Lancaster, Pa., on a September day in 1865. The spiritual godfather of the proponents of this bill, the scourge of the South, the hate-impregnated and venomous Thaddeus Stevens is speaking. Here is the mild, moderate, and tolerant program he proposed for the beaten, broken, and destitute people of the South. This is Bowers' description of that fatal day, taken from his monumental book, The Tragic Era.

It was a large and curious crowd that gathered at the courthouse in Lancaster to hear the law laid down. That the speech was carefully meditated and prepared is evident in its almost immediate publication in pamphlet form for circulation among party leaders throughout the country. Strangely enough, it contained no reference to Negro suffrage, but it expressed other views so extreme that an unfriendly reporter insisted that the meeting was "sadly lacking in enthusiasm" and that "all present seemed bewildered and amazed at the troubles that were so plainly seen to environ their party." The purport of the speech was that the southerners should be treated as a conquered, alien enemy, the property of their leaders seized and appropriated to the payment of the national debt. This could be done without "violence to establish principles" only on the theory that the Southern States had been "severed from the Union" and had been "an independent government de facto, and an alien enemy to be dealt with according to the laws of war." Absurd, he said, to think of trying the leaders for treason. That would be acting under the Constitution; and that would mean trials in Southern States where no jury would convict unless deliberately packed, and that would be "judicial murder."

Getting to close grips with Johnson, he scouted the idea that either he or Congress could direct the holding of conventions to amend the constitutions. That would be "meddling with the domestic institutions of a State * * * rank, dangerous, deplorable usurpation." Hence "no reform can be effected in the Southern States if they have never left the Union; and yet the very foundations of their institutions must be broken up and relaid, or all our blood and treasure have been spent in vain. But by treating them as an outside, conquered people, they can be refused admission to the Union unless they voluntarily do what we demand."

Warming to his task, the bitter old man demanded punishment for the most guilty—but how? If the States had not been out of the Union, only through trials for treason that would miscarry; if a conquered people, a court-martial would do the work. Property must be seized—but how? Only on the theory of a conquered people and under the rule laid down by Vattel that the conqueror may indemnify himself for the expenses, and damages he has sustained. And what vast prospects presented by confiscation. Every estate worth $10,000 and containing 200 acres should be taken. Consult the figures: 465 million acres in the conquered territory, of which 394 million acres would be subject to confiscation. This would dispossess only 70,000 people, and nine-tenths would be untouched. And the 394 million acres? Give 40 acres to every adult Negro, which would dispose of 40 million acres. Divide the remaining 354 million acres into suitable farms and sell it at an average of $10 an acre, and thus secure $3,540 million. And how use that? "Invest $200 million in 6-percent Government bonds and add the interest semiannually to pension those who become disabled by this villainous war; appropriate $200 million to pay damages done loyal men, both North and South, and pay the residue of $3,040 million on the national debt."

And "what loyal man can object to that?" he demanded triumphantly. Did someone object to the punishment of innocent women and children? "That is the result of the necessary laws of war." Revolutionary? "It is intended to revolutionize the principles and feelings of these people."

That is the historical background, Mr. President, and under this bill it will be possible that women and children will be punished. The threat is already made against the children in a school at Clinton, Tenn.

Of course it "may startle feeble minds and shake weak nerves," but "it requires a heavy impetus to drive forward a sluggish people." This policy would mean equality in the South, impossible "where a few thousand men monopolize the whole landed property." Would not New York without its independent yeomanry "be overwhelmed by Jews and Milesians and vagabonds of licentious cities"? More: this would provide homes for the Negroes. "Far easier and more beneficial to exile 70,000 proud bloated and defiant rebels than to expatriate 4 million laborers, native to the soil and loyal to the Government." Away with the colonization scheme of the Blairs with which they had "inoculated our late sainted President." "Let all who approve of these principles tarry with us," he concluded, thus assuming the power of the dictator. "Let all others go with copperheads and rebels. Those will be the opposing parties."

He forced through a compliant and unresisting Congress the reconstruction and force acts which now must take the forefront as the subjects of this debate.

We are amending by procedural remedies those same acts of hate.

Mr. President, the Attorney General has said that in this civil-rights bill he is not seeking any new legislation. All he is asking, by way of certain amendments, is the authority to utilize in a new way statutes that are already a part of established law. These are the forgotten, and long-neglected statutes of Thaddeus Stevens. The President is asking that the Congress give to the Attorney General the authority to debase and degrade the benign equity jurisdiction of the Federal courts by permitting government by injunction to be superimposed on these old force acts.

Of all the statutes which the Attorney General could have used as a vehicle of civil-rights legislation, none could have been more ill advised.

Mr. President, as the distinguished and able senior Senator from Missouri [Mr. HENNINGS] admitted on the floor in the recent debate, it is now beyond doubt or cavil that subsection 3 of section 1985 can be employed by the Attorney General through the new injunctive powers as an instrument to force integration in the public schools in every school district, not only throughout the South but throughout the entire country. Not only are the southern school systems in jeopardy, but under recent decisions of the United States Supreme Court the Attorney General will be authorized to apply

his coercive power to all publicly operated recreational facilities, including swimming pools, golf courses, community theaters, public stadiums, hotel facilities and State parks, and many, many more areas. The injunctive weapon would be employed against all public transportation systems of every kind and character throughout the South, regardless of the provisions of State constitutions and legislative enactments.

The recent decision of the United States Supreme Court in the Girard College case which, incidentally violates every principle of the Constitution, is a strong indication that the Court is prepared to turn its back completely on every previous interpretation that has ever been rendered in regard to the scope and effect of the 14th amendment. This is the case where a will that had set up a trust fund to establish a school for poor white orphan boys more than 100 years ago was nullified and held for naught because the trustees refused to admit Negro students. The city of Philadelphia had a special board to administer bequests and trusts. It was in no sense a part of the governmental operation. If any inferences can be drawn from this unconscionable decision that denied to an individual the right to dispose of his property in the manner and form he chose, it is that the next step to be taken by the Court will be to declare that any business or corporation which is licensed by the State must also conform to the Supreme Court's peculiar ideas of what constitutes State action. If the Court goes this far, and I am sure it will, it means an attempt will be made to enforce integration of the races by Court decrees in such areas as restaurants and eating establishments, hotels, clubs that have a State license, and in every conceivable area of social life.

Mr. President, this is a matter of serious moment not only to the South, but to every area of the United States. The Members of the United States Senate must think long and hard as to these implications which cannot be divorced from H. R. 6127.

By reference and incorporation this section, 1989, of the Revised Statutes, title 42, United States Code, section 1993, becomes a part and parcel of H. R. 6127:

> It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title.

House bill 6127 provides that the Attorney General, under the amendments to section 1985, can apply to the court for an injunction, including a temporary injunction, or restraining order, whenever the Attorney General has reasonable grounds to believe that a conspiracy is about to take place.

Mr. COOPER. Mr. President, will the Senator yield at that point?

Mr. EASTLAND. I yield for a question.

Mr. COOPER. I have listened very carefully to the Senator's discussion of the law. I know he is a good lawyer. I was interested in the first part of the Senator's speech, in which he discussed the circumstances under which armed forces could be properly used in cases of insurrection or invasion. I may say that I agree with the Senator's analysis to the effect that it is the intention of the Constitution that the Armed Forces should be used by Executive direction at times of insurrection or invasion, or when local law breaks down. I understood that to be the Senator's argument. If that is the Senator's conception of the law and the constitutional limits of the Executive to use the Armed Forces, why does the Senator consider that the use of force under the old statute, to which the Senator is now referring, would ever be upheld as a constitutional use of the Armed Forces of the United States?

Mr. EASTLAND. I believe that in these cases the use of the Armed Forces to enforce a decree of the court in the absence of rebellion would be possible. Furthermore, I do not believe that under section 1993 the President would have to wait until there was defiance, or until the temporary injunction had been violated. The Armed Forces could go in forthwith in order to enforce the injunction.

Mr. COOPER. I know that the Senator is familiar with the constitutional provisions and cases limiting the power of the President. Of course, that would be the case if there were an invasion or insurrection. But I question whether it would ever be held to be a constitutional use of the powers of the President for the President to use the Armed Forces to enforce the orders or writs of the court.

Mr. EASTLAND. If that be true, I know that the distinguished Senator from Kentucky would be glad to make it specific in the bill that the Armed Forces shall not be used to implement such decrees.

Mr. COOPER. I agree wholeheartedly with that position. However, I did wish to know whether the distinguished Senator believed that the courts would ever hold such a use of the Armed Forces to be constitutional.

Mr. EASTLAND. I am not a prophet, and I certainly would not be placed in the position of predicting what the court might say. This is the law.

Mr. COOPER. It is on the statute books.

Mr. EASTLAND. Perhaps it is unconstitutional. I hope it is. I hope the Senator is correct.

Mr. COOPER. At times a President has tried to suspend the writ of habeas corpus. The Supreme Court has held that he could not do so, as long as the local courts were open.

Mr. EASTLAND. The distinguished Senator is correct. However, that power must be taken out of the bill. If it is not, we shall be on the high road to dictatorship in this country.

Temporary injunctions and restraining orders are "judicial processes" as those terms are used in section 1993. They are ex parte proceedings, that is, there is no adverse party present before issuance. They are generally issued on the basis of affidavits submitted to a single judge. When the judge issues such an injunction or order, it is a judicial process which may be enforced by the President through the use of troops.

Notice, Mr. President, that the Attorney General may apply for an injunction before an act has been committed. This itself is a rarity in statutes relating to conspiracies. But note further that the injunction may issue without an act ever being committed. It may issue on the basis of affidavits submitted by the applicant, the Attorney General. When issued, it becomes a "judicial process" which may be enforced by the President by bayonets. It is possible—and I challenge the proponents of this bill to refute it—that the President might order troops into a locality pursuant to the provisions of section 1993 and the amendments to section 1985 proposed in H. R. 6127.

Yesterday, one of the proponents sought to equate this power with the power of the President to invoke the aid of troops to suppress an invasion or an insurrection. The statute cited was section 333 of title 10, United States Code. There is no reasonable comparison between that statute and the one which I previously cited. Section 333 is derived from a statute passed in 1871. It may be invoked only in time of invasion or insurrection. There must be a massive combination of persons moving in rebellion to prevent the equal protection of the laws before section 333 may be utilized or else the officials of the constituted authorities of the State must be unable to, fail to, or refuse to give protection to a right, privilege, immunity, or protection secured by the Constitution. This is a far cry from the provisions of section 1993 which state that the President, or an authorized subordinate, may call out troops to aid in the enforcement of a judicial process such as a temporary injunction.

The proponents are aghast when the opponents call this a cunningly devised scheme to enforce integration by extreme methods. They still contend that it is a mild bill, relating primarily to voting rights. But, Mr. President, I think we who oppose this bill with unabated vigor have shown sufficiently the extraordinary weapons it contains for the denial of responsible self-government. We are entitled to know the answer to this question, which I ask the proponents: Do you intend to surround our schools with tanks, troops, guns, and bayonets in an attempt to make us accede to integration of our schools? Is that the object of this bill, the hidden intent? If it is not, then when will the proponents renounce such a scheme and back their renunciation with an amendment to remove part III from the bill?

We have been told that party pledges have been made, and that these should relieve our fears. God help us, Mr. President, when our security of mind must rest on the shaky reed of party platform.

Mr. President, there is another danger that arises solely by reason of the fact that the bill would amend a section by reference. I have previously pointed out

the far-reaching consequences of the business of amendment by reference in discussing the manner in which this legislation applies to the integration of the schools.

Let me point out another far-reaching consequence of the proposed legislation. Section 1981 of the Revised Statutes, which appears in the code as section 1986 of title 42, provides as follows:

> Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued.

Please note that every person having knowledge of wrongs conspired to be done which are mentioned in section 1985 and which are about to be committed, and, having the power to aid in preventing the commission of the same, neglects to do so shall, if a wrongful act be committed, be liable to the party injured.

Section 1985 is proposed to be amended by H. R. 6127. It is amended to confer upon the Attorney General authority to seek injunctions in instances where he has reason to believe that a person is about to engage in acts giving rise to a cause of action under section 1985. The United States Court of Appeals for the Seventh Circuit in the case of *Miles* v. *Armstrong* (207 Fed. (2) 284), has said that the compulsory informant statute is subject to the same limitations as section 1985. The court also said:

> Though some courts have adhered to their conviction that section 47 (3) must, like section 43, be limited to action by the State or acts performed under color of authority of the State, see *Love* v. *Chandler* (8 Cir., 124 F. 2d 785) and *Moffett* v. *Commerce Trust Co.* (D. C., 75 F. Supp. 303), we think that the proper interpretation of this section is that a conspiracy of private persons to deprive a citizen of the equal protection of the laws, or of equal privileges and immunities under the laws enacted under the United States Constitution is within the section, provided the conspirators commit an act in furtherance of the conspiracy whereby the citizen is injured in his person or property, irrespective of whether the conspirators proceed under color of authority of the State or otherwise. However, it would appear that to be valid the act must be held to apply only to deprivation of Federal rights. If it be so construed as to include deprivation of purely State rights, it would not seem to be within the Constitution.

If section 1985 is amended as provided in H. R. 6127, any person having knowledge of a conspiracy to deprive another of the equal protection of laws and failing to notify the Attorney General in sufficient time that the Attorney General may bring an application for injunction to prevent the completion of the wrongful act, is liable to the aggrieved party for damages.

Thus, the amended section 1985 places a premium upon immediate disclosure of all knowledge relating to facts, including sources of information, which a person possesses which may form the basis for a reasonable belief that an act is about to be committed in furtherance of a conspiracy to deprive another of a Federal right such as the equal protection of laws. If the opinion of the court in Miles against Armstrong, supra, is correct, the acts need not be performed under color of law, meaning simply that it need not be shown that the conspiracy and act involved an agent or agency of the State government.

One must have to understand Thaddeus Stevens to conceive of how such a hideous monstrosity as this ever reached the statute books of this enlightened country. It has been well named the Compulsory Informer Act, and nothing ever dreamed of in Soviet Russia is more destructive to the fundamental liberties and freedom of individual citizens than the liberal application of this statute to the people of these United States today. It makes knowledge and information a crime, and forces every citizen to divulge affirmatively such information under the pain of unlimited damages brought in court actions.

It would compel neighbor to inform against neighbor, brother against brother, and child against parent. In the areas where court decrees have now ordered the integration of public schools, every child and every citizen would literally live under the pointed gun of this statute. Any time that two or more persons desire to take affirmative action to prevent enforcement of a court decree and to keep the schools segregated, and a child knew about this intention, even though they were his or her own parents, this proposed law would compel that the full information be divulged to the Attorney General. If it were not so done, even a child could be subjected to damages.

Since so-called civil rights have never been reduced to terms and definitions, there is no area of human relationship to which attempts would not be made to apply this statute in its new form. Labor disputes of every kind and character could be involved. The individual against the union, and vice versa; the union in disputes with employees and also the reverse of this. Labor should well know and heed the power, force, and tyranny of government by injunction.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a very ably written editorial which appeared in the Commercial Appeal of Memphis, Tenn., on Tuesday morning, July 9, entitled "Real Threat To Freedom." It discusses the portion of the remarks I am now making.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. EASTLAND. Mr. President, we do not have to wait until H. R. 6127 is enacted to see and appreciate how the informer statute can be applied to factual situations involving so-called civil-rights cases. An incident to the contempt trial now going on in Clinton, Tenn., furnishes a graphic illustration. It will be recalled that Judge Taylor issued a worldwide injunction against any and all interference with the integration of public schools at Clinton, Tenn. The county attorney for Anderson County in his official capacity appeared before an assembly of all the students in the school. He told the children:

> The board has directed the faculty to not only institute procedures through Mr. Brittain to expel any student that is guilty of misconduct, but they have also instructed the faculty to pass on to the Federal Bureau of Investigation any actions on behalf of the students that might be construed as violations of the injunction.

Here we note that the school board had ordered the faculty to inform the FBI of any actions on behalf of the students that might be construed as violations of the injunction. Certainly any act that was a violation of the Court decree would be held by the same judge who issued the injunction as a violation of the civil rights of the Negroes involved, and thereby fall within the teeth of the Compulsory Informer Act.

The county attorney also said this to the children:

> Questions have been asked me and other law enforcement officials as to the enforceability of this injunction. I think the actions of the past few weeks or the past few days, particularly, speak in unmistakable language that this injunction is enforceable.
>
> The other question so frequently asked is: Will this injunction apply to students under 21 or to acts inside the high-school building? The answer is that this injunction has no limits; it applies to everyone, everywhere, be they minors, adults, inside or outside any building in this county.
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> • • • • •
>
> I have been told that there have been gatherings outside of the school over here (indicating) during the early hours of the morning when some students are coming to school. This will no longer be allowed. The throwing of ink on books, books belonging to the State of Tennessee, the messing up of lockers, the threatening notes to teachers, the filthy language to fellow students, pushing and shoving other students—and to avoid any difficulty of any type, I would suggest you students refrain from wearing any type of buttons or anything of that nature.
>
> To my knowledge in all of American history it has never been necessary to read an instrument such as this, a Federal injunction, before an especially called assembly of a student body.

Those were the conditions which were outlined by the county attorney. What it is proposed to do is to permit the issuance of that identical kind of injunction and, by substituting the Government of

the United States as a party plaintiff, to deny the right of trial by jury to the people involved.

These children were told by responsible authority that they had no freedom of speech, they had no freedom of assembly, as guaranteed by the United States Constitution, that they could not wear buttons, and that their minor peccadillos and misconduct within the school, would not only be in violation of a Federal court decree but would also be reported promptly by the teachers to the Federal Bureau of Investigation. Neither Hitler nor Stalin was ever guilty of a more ruthless act of thought control.

If an illegal and invalid Court decree can be stretched to the lengths to which this decree has already been extended, consider how much simpler it will be, if H. R. 6127 passes, for the Attorney General to invoke the provisions of the Compulsory Informer Act on behalf of the alleged aggrieved parties.

I include mention of sources of information, for to enable the Attorney General to secure the injunctive relief it may be, and probably will be, necessary to secure affidavits from individuals possessing personal knowledge. At this point I should add that I have found no case which would lead me to believe that the knowledge referred to in the statute must be firsthand knowledge.

It should be apparent by now that this statute, section 1986, coupled with section 1985, by reference, possesses grave implications insofar as the press is concerned. For example, suppose a newspaperman in his quest for news discovers facts which give him reasonable grounds to believe that a conspiracy exists and that the conspirators are about to engage in acts in furtherance of the conspiracy. If the newsman fails to report such facts to the Attorney General, perhaps even including the source of his facts, he may then subject himself to a suit for damages under this compulsory informer statute. True, the conspiracy must be to deprive another of a Federal right. The newsman must have knowledge of the conspiracy though it may be secondhand but the newsman must judge, at his peril, whether reasonable grounds exist to believe that the conspirators are about to engage in an act in furtherance of the conspiracy. This is so because under section 1985 the Attorney General is the sole authority in the first instance as to whether reasonable grounds exist to believe that conspirators are about to engage in an act in furtherance of a conspiracy. The newsman must inform the Attorney General of the facts which he possesses of the conspiracy to protect himself or suffer the consequences if the conspiracy is carried to fruition. He, because he possesses the power to aid in the preventing of the completion of the conspiracy and neglected to do so by failing to advise the Attorney General, because he could have applied for an injunction, has subjected himself to a suit for damages. I suppose that some people may say the newsman would want to make a disclosure of facts in his possession, and I suspect that he would. What the newsman may not want to do is to reveal the source of his information, for the members of the press have long sought protection in the source of their information.

Returning to section 1985 and section 1986 of title 42, those sections have the effect of making individuals compulsory informers. I have often heard members of the Senate complain when the Department of Justice employed paid informers or any of the others to aid in securing the conviction of members of the Communist conspiracy. I wonder, however, if Senators realize that this statute which is on the books, and which is rendered more dangerous by the amendment proposed in H. R. 6127, creates an even more iniquitous character than the paid informer, namely, the compulsory informer.

This, Mr. President, is the bill which has been advertised as a moderate bill. How on earth such an appellation can be applied to proposed legislation which has the far-reaching effects which I have outlined, I cannot understand.

Newsmen and their employers, the newspapers, should shrink when they contemplate the awesome thought of title 42, United States Code, section 1993 in relation to the informer statute. Title 42, United States Code, section 1993 incorporates by reference the compulsory informer statute, title 42, United States Code, section 1986.

The press for more than 6 months has proffered this bill to the electorate as a mild bill, benign in its charge and the very least that one could ask for. The President has had some 16 press conferences in 1957, and in half of them the civil-rights bill has come up. Nowhere does he refer to the bill as other than a mild or a voting bill. In his last conference, I can concur in his observations that there are some things in the bill which he does not understand. I have worked on the bill for 6 months and still comprehend only a small fraction of its jurisdictional coverage.

The press, as I have said, has described the bill as a mild form of proposed legislation. It is my belief that the bill abridges the freedom of the press to a drastic degree, and in fact to the extent that the press can be coerced at the point of a bayonet and its freedoms impaled thereon.

Blackstone said:

> The liberty of the press is indeed essential to the nature of a free state.

The caveat of Blackstone upon which this country has operated since its inception is violated by House Resolution 6127, wherein newspapers are compelled within the purview of the bill to place any information at their disposal as well as the sources of such information, in the hands of the Government, upon peril of a damage suit or the weight of the Army's, the Navy's, or the militia's coercive actions.

Mr. President, the provisions of the bill which deny jury trials is a long step down the road to a totalitarian state. Under present law, in cases covered by the bill, there is the right of jury trial. Why is it proposed to change the law? Why are southern people being denied this basic safeguard of human liberty? The charge is made that southern juries will not convict; that a Federal judge who holds his office for life and who is not subject to the will of the people will not be swayed by public opinion. This charge is an indictment of the whole people of the South. It is a gratuitous insult to them. The record of law enforcement in the South is just as good as or superior to that in any other section of the country. We have never had gang lords, thieves, murderers, or criminals who control our cities, courts, and juries. In these instances no one ever advocated a devious scheme, regardless of criminal influence therein, to deprive the people of the States and cities involved of that basic right and safeguard of human liberty, the right of trial by jury.

There is no question that constitutional guaranties to render action in our domestic processes are slower and more cumbersome than actions by totalitarian states. The question put to us by the Department of Justice and the sponsors of the proposed legislation is whether we should surrender any constitutional guaranties for the sake of quickness and ease. All history has proved that liberty does not dwell in any country where the right of trial by jury does not exist.

We are at a turning point in American history. We must decide whether or not we are going down the road of government by men instead of by law—in effect, government by injunction process. The issue is, shall our liberty of person be decided by the law with a trial jury, or by one man, a Federal judge, to decide for us freedom or imprisonment. It becomes a tragic error and a travesty of justice to attempt the protection of civil rights for any one group through a process which denies to all others a liberty equally precious—that of trial by jury. The bill takes away the right of trial by jury by providing that the United States shall be a party to the suit.

Mr. President, the great Winston Churchill in his work, English Speaking Peoples, has this to say:

> We reach here, amid much confusion, the main foundation of English freedom. The right of the executive government to imprison a man, high or low, for reasons of state was denied; and that denial, made good in painful struggles, constitutes the charter of every self-respecting man at any time in any land. Trial by jury of equals, only for offenses known to the law, if maintained, makes the difference between bond and free. But the King felt this would hamper him, and no doubt a plausible case can be advanced that in times of emergency dangerous persons must be confined. The terms "protective arrest" and "shot while trying to escape" had not yet occurred to the mind of authority. We owe them to the genius of a later age.

Mr. Churchill is right. Trial by jury is the main foundation of English freedom. It is the charter of every self-respecting man at any time in any land; not only to the English people, but to free men everywhere. The foundation of human freedom and the charter of freedom for every self-respecting man in any land, as Winston Churchill said, is "Trial by jury of equals, only for offenses known to the law."

If the bill were enacted, a Federal judge could make his own rules. An act which would be a violation of an injunction on one day would be an innocent act on another occasion. If the bill were enacted, a man could be imprisoned for offenses which are not known to the law. It would violate that which is basic in our system, namely, that a person can be imprisoned only for offenses known to the law.

There have been in this country three titanic struggles over this very issue. American people have stood up in defense of their rights to jury trials as did the English people:

First. In the Stamp Acts the English sovereign by an artifice extended the jurisdiction of the admiralty court to cover not only the wharfing areas but entire towns. And it is well known, of course, that admiralty trials are without juries. Out of that came the Revolution.

Second. The history of the Volstead Act, and out of it came a constitutional amendment rescinding the procedure.

Third. Labor's historic struggle against capital-minded judges and out of that came labor's preferential position on the statute books wherein they are guaranteed jury trial.

Mr. President, the right of jury trial is not a statutory or legislative procedure. It comes down to us from the mists of antiquity. It seems to be found wherever freemen congregate and its roots are traced to the reign of Alfred the Great. Its very essence is in the Magna Carta. It is found as one of the principal charges of the gross abuses of King George in the Declaration of Independence:

> He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws, for depriving us in many cases of the benefit of trial by jury.

It is embedded in the Constitution of the United States:

> The trial of all crimes, except in cases of impeachment, shall be by jury.
>
> No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.
>
> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury.

And in the seventh amendment:

> In suits at common law, where the value in controversy shall exceed $20 the right of trial by jury shall be preserved.

Mr. President, what shall we find in this case? Under this bill, when an injunction is issued, as an incident to the injunction, damages can be awarded by the judge. That is another devious way by which the framers of the bill would bypass the Constitution of the United States.

The statement is made that jury trials do not apply to equitable processes. This statement must be weighed by placing equity in the draft of the Constitution in its true, pure, historical context. At the time of the drafting of the Constitution, equity professed to act as a court only when courts of law could give no relief or inadequate relief; and even then, only when property or property rights were in question. The principal purpose of an injunction was to retain the status quo of property until final decisions could be made. Mr. President, the idea of punishing crime by equity is abhorrent to every American principle; yet, that is the purpose of this bill.

What is attempted in the bill is a perversion of the American Constitution. It is, in addition, a perversion of the three basic principles found in the three mainsprings of American liberty—the Magna Carta, the Declaration of Independence, and the Constitution of the United States. What is attempted is the invention of a thing called criminal equity, whose purpose is to circumvent the Magna Carta, the Declaration of Independence, and the Constitution of the United States, and to deprive the American people of their basic rights and the principles which guarantee freedom in America.

In 1952, in the case of *Sacher* v. *United States* (343 U. S., p. 1), three of the Justices of the present Supreme Court had this to say:

Justice Black, in writing his opinion on this case, stated:

> I would reverse these convictions because of my belief that (1) the judge should not have passed on the contempt charges he preferred; (2) whatever judge considered the charges, guilt should not have been summarily decided as it was—without notice, without a hearing, and without an opportunity for petitioners to defend themselves; (3) petitioners were constitutionally entitled to have their guilt or innocence of criminal contempt decided by a jury.

Justice Douglas in his opinion said:

> I therefore agree with Mr. Justice Black and Mr. Justice Frankfurter that this is the classic case where the trial for contempt should be held before another judge. I also agree with Mr. Justice Black that petitioners were entitled by the Constitution to a trial by jury.

Justice Frankfurter in his opinion said:

> But this power (summary contempt) does not authorize the arbitrary imposition of punishment. To dispense with indictment by grand jury and trial by a jury of 12 does not mean the right to disregard reason and fairness. Reason and fairness demand, even in punishing contempt, procedural safeguards within which the needs for the effective administration of justice can be amply satisfied while at the time the reach of so drastic a power is kept within limits that will minimize abuse.

Mr. President, these three members of the present Supreme Court held that under the Constitution of the United States, in criminal contempt, a man is entitled to a trial by jury, and that the Congress would not have the power to adopt a devious scheme of substituting the United States as a party plaintiff, so as to avoid trial by jury.

Mr. President, the statements these Justices made on that occasion were correct. All logic cries out, all history cries out, all the experience of those who have lived in the centuries which have gone before cries out, against this step to turn our country into a totalitarian state and to crush liberty in America. To distrust and be suspicious of the jury system is to distrust and be suspicious of the people. This suspicion and distrust are the food upon which tyrants feed. Yes, Mr. President; trial by jury is explicit in the Constitution of the United States, and criminal equity was unknown to that document and to the minds of the men who forged it. Let us not forget that it is to the verdicts of the juries, not the opinions of the judges, to which English people are chiefly indebted for some of their most precious rights and liberties, and that English history is replete with examples showing that the King and his dependent and servile judges would have subjugated the rights and liberties of English people, but for the good sense and courageous partiotism of English juries.

Mr. President, there are other safeguards of human liberty which the proponents of the bill seek to circumvent. The Constitution says no man shall be placed twice in jeopardy for the same offense. The provisions of the bill under which one would be sentenced to jail for contempt for violating a decree, are also in violation of the Federal Criminal Code, for under the bill, one convicted for contempt and sentenced to jail would also be subject to indictment, trial, and conviction and to an additional jail sentence, for the same act or the same offense. The prohibition in the Constitution against double jeopardy is one of the foundation principles which guarantee freedom in this country.

Mr. President, a part of the charter of English liberty which is explicit in the Constitution of the United States is a right without which no man can be free and no country can be a free country. That is the guarantee that a person can be imprisoned or held accountable only for offenses known to the law—that is to say, for the violation of written statutes which have been legally enacted. This bill would violate this basic principle, for the Federal judge would decide what acts constitute crimes or what acts authorize imprisonments. An act innocent in its nature, would subject the person involved to imprisonment. It would subject him to imprisonment, even in the absence of criminal intent. What is authorized here is for the judge to make his own law as he goes along, to change it from day to day, and to mete out jail sentences as he desires, and for the length of time he desires, with no statutory limitation. That would be done in the name of civil rights. Mr. President, that amounts to legal lynching. It is alien to everything American.

Furthermore, the rule is that one charged with crime is presumed innocent until proven guilty beyond a moral certainty. In a contempt proceeding the accused is deprived of this presumption of innocence. What is attempted, Mr. President, is to clip away the most valuable civil rights possessed by a free people. Under the guise of criminal equity, there are here sought to be removed the safeguards which protect liberty in the United States.

Mr. President, if this bill were enacted into law, the Department of Justice in the name of the United States could bring suit and could secure an injunc-

tion against a person, without notice. The judge would then occupy a legislative position. He would decide what acts, no matter how innocent, would violate the injunction. He would then perform the function of a grand jury; he would cite the accused for contempt; he would act as prosecutor, judge, and jury. This is what we are being asked to enact.

Mr. President, equal justice under equal laws is the basis of American jurisprudence. Every single principle of English and American constitutional guaranties is being sidestepped here by a sly, scheming, slick attempt to circumvent our Constitution. No civilized country in the world, except the Soviet Union, has such a jurisprudence.

Mr. President, I submit that the motion to have the Senate proceed to the consideration of the bill should be rejected.

EXHIBIT I

[From the Memphis (Tenn.) Commercial Appeal of July 9, 1957]

REAL THREAT TO FREEDOM

Approval of the civil-rights bill pending in the Senate and subsequent enforcement of its investigative and punitive clauses would be a far step toward converting the United States into a totalitarian police state.

That is the considerate opinion of some of the Senate's best legal minds, and the more we study the proposed measure the more convinced are we that their judgment is accurate. It is a force bill with all of such a bill's iniquitous implications. It even breathes full life into the long unenforced Compulsory Informer Act of the reconstruction period.

This law, Senator EASTLAND, Democrat, of Mississippi, declares, "provides unlimited damages against anyone who 'neglects or refuses' to reveal information relative to a violation of the so-called civil rights of others. In its revised and easily enforcible form, this law not only would apply to newspapers and all other media of the press, but also to individuals.

"It would compel neighbor to inform against neighbor, brother against brother, child against parent. It would incorporate into modern, democratic American law some of the ugliest and most tyrannical features of Soviet Russian practices."

As Senator EASTLAND points out, the Compulsory Informer Act has not been utilized because complainants have known instinctively that juries would not convict. That has been overcome in the civil-rights bill by authorizing Compulsory Informer Act violators to be tried by a judge without benefit of jury.

It is his contention and of other opposing Senators that the administration's program would require newsmen "to reveal to the Attorney General any information at their disposal, as well as the sources of that information upon peril of a damage suit or the might of the Army, Navy, or militia's coercive actions."

Strangely enough (or maybe it isn't so strange), northern and eastern newspapers which are so busily opposing the Commission on Government Security recommendations relating to revelation of national security secrets on the specious grounds that the recommendations are a threat to press freedom are even more busily supporting this force bill which could be used to put them out of business. It would pay them to take another look—to heed the warnings Senators EASTLAND and RUSSELL have given against a very real threat to press freedom.

Revitalization and revision of the Compulsory Informer Act is the real reason why the framers and supporters of the civil-rights program are so insistent that the right of trial by jury be denied persons prosecuted under its provisions. What they have not yet realized is that the same punitive provisions could be used against them under certain circumstances and could be used, as Senator EASTLAND warns, even in labor disputes, East, West, North, and South.

The bill will be resisted to the limit by the southern senatorial group, and wisely, rightly so. The program it sets up is unrealistic and on the basis of the threat it contains to press freedom, un-American. Its supporters have been grossly misled or selfishly inspired and their insistence serves the Nation poorly, indeed.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Douglas	McNamara
Allott	Dworshak	Morton
Anderson	Ervin	Mundt
Barrett	Flanders	Pastore
Beall	Frear	Potter
Bennett	Green	Revercomb
Bible	Hickenlooper	Robertson
Bricker	Hill	Saltonstall
Bush	Hruska	Scott
Butler	Humphrey	Smith, Maine
Carlson	Javits	Sparkman
Carroll	Jenner	Stennis
Case, N. J.	Johnson, Tex.	Talmadge
Case, S. Dak.	Johnston, S. C.	Thurmond
Church	Kefauver	Thye
Clark	Lausche	Watkins
Cooper	Magnuson	Wiley
Cotton	Mansfield	Williams
Curtis	Martin, Iowa	Yarborough
Dirksen	McClellan	

The PRESIDING OFFICER (Mr. SCOTT in the chair). Fifty-nine Senators having answered to their names, a quorum is present.

Mr. HILL. Mr. President, from a sense of duty, not only to the people of Alabama, who are so overwhelmingly opposed to the proposed legislation sought to be considered, but to all our people, who are the beneficiaries of the oath we take to protect and defend the Constitution of the United States, I rise in opposition to the motion of the distinguished minority leader [Mr. KNOWLAND] to make H. R. 6127 the pending business. This bill, which is so misleadingly denominated "an act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States," constitutes, I strongly believe, a grave threat to the sacred personal rights guaranteed in the Constitution and particularly the liberties sought to be held forever sacrosanct in the Bill of Rights.

I come before the Senate today as one who for 33 years of service in the Congress has sincerely endeavored to work for forward-looking policies and programs that meant progress and that would promote the well-being of our Nation and enrich the lives of our people. At a time when there is so much that needs to be done, so much good that can be done, so much wrong that must be undone, and so much work that our people demand be done, it is regrettable that we must digress from high purposes and good works, and concentrate our attention and energies and squander our time on such a drastic and indefensible measure as H. R. 6127.

At this time I wish to address myself primarily to those aspects of H. R. 6127 which deny the right to trial by jury; I wish to refer briefly to the long period of judicial tyranny in the field of labor-management relations which preceded the enactment of the Norris-La Guardia Act in 1932. I desire to emphasize the fact that that law was enacted with the vigorous and almost unanimous support of the representatives of the Southern States in both the House and Senate; I wish to point out that the position today of representatives from Southern States with respect to H. R. 6127 is exactly the same as it was with respect to the Norris-La Guardia Act. We supported them and we support now the right to trial by jury. We opposed them and we oppose now the arbitrary and despotic power of judges to decree law, to indict for violation of that law, to adjudicate the law and the facts in cases of alleged violations of their own judge-made law, and summarily to sentence those whom they find to be guilty of such violations.

As my colleagues who have preceded me in this debate have so forcefully established, there can be no question that parts III and IV of House bill 6127 serve to deny the right to trial by jury to those accused of violating the terms of civil rights statutes; indeed, the proponents of the bill have been frank to admit this is one of the primary purposes of the proposed legislation. As my colleagues who have preceded me have also established beyond the slightest peradventure of a doubt, section 1993 of title 42 would authorize the use of the Armed Forces and the militia for enforcing the provisions of the bill.

The most dangerous features of the measure in my judgment are parts III and IV, dealing with the powers proposed to be granted to the Attorney General to use the injunction—which is the most powerful and drastic weapon the judiciary possesses—supposedly to protect voting rights and other civil rights. Because I strongly believe that these provisions are so inherently dangerous and that the people of the United States are so singularly unaware of the evils that will inevitably flow from the enforcement of these provisions, I believe the Senate should subject them to the most rigorous scrutiny and thoroughly air them in the bright light of public debate.

When the Congress shall assign to the courts the arbitrary power to issue injunctions never contemplated by the rules of equity in direct violation of constitutional and statutory laws, and shall give the right, among other things, to issue injunctions for the purpose of enforcing criminal law, Congress shall have departed from our constitutional concept of courts of equity and equitable remedies in a manner for which there can be no justification. The court will then become the sole judge of the law and of the facts, in derogation of our most cherished liberty, which is enshrined forever in our history and consecrated as sacred in our American judicial system—the right of trial by jury.

The philosophy underlying the civil-rights bill H. R. 6127, is contrary to the fundamental laws of the land and to our Anglo-Saxon concept of human liberty.

We have seen demonstrated the devotion to this concept by the struggles and bloodshed of our people for more than a thousand years to destroy the arbitrary power of kings and judges.

The Peace of Wedmore concluded between Alfred the Great and Guthram the Dane in 878 A. D. insured that "if a king's thane be charged with the killing of a man, if he dares to clear himself, let it be before 12 king's thanes."

That great document of human liberty, the Magna Carta of Great Britain, the bedrock of our freedom states:

No freeman shall be taken or imprisoned, disseized or outlawed or banished, or in any ways destroyed, nor will we pass upon him, nor will we send upon him, save by the lawful judgment of his peers or by the law of the land.

The Bill of Rights enunciated by Parliament for the protection of the common people and signed by William and Mary upon their ascension to the British throne made illegal the pretended power of the suspending of laws or the execution of laws by regal authority without the consent of the people through their Parliament.

The Declaration of Independence proclaims as one of the reasons for the separation of the Colonies from the mother country the deprivation in many cases of the right to trial by jury.

Article III, section 1 of the Constitution of the United States, which creates our judiciary, limits its power and its jurisdiction as follows:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

This limit on the power and jurisdiction of the Federal judiciary was clearly set forth in the minority views on the Senate bill.

Speaking from a background of 34 years' experience as a Member of the Congress, let me say that it has never been my privilege to read or study a more masterful document than the minority views which came to us from the brain and hands of the distinguished Senator from North Carolina [Mr. ERVIN]. The minority views state:

At the time of the adoption of the Constitution, writs of injunction and other equitable remedies were used for the protection of property rights only. As was made clear by the commentary of Alexander Hamilton on the extent of the authority of the Federal judiciary, which has been preserved in The Federalist as Essay No. 80, the founders of our Government contemplated that the equitable jurisdiction of the Federal courts would be exercised within similar limits.

When they placed in article III, section 2, the emphatic and unambiguous declaration that "the trial of all crimes * * * shall be by jury," the founders of our Government intended these plain English words to mean exactly what they said. They believed that this constitutional declaration possessed sufficient vigor to thwart the efforts of those who would convert courts of equity into courts of star chamber and rob Americans of their right of trial by jury by the devious device of extending the powers of equity beyond their ancient limits.

The sixth and seventh amendments to the Constitution were intended to secure the right of trial by a jury of one's peers in criminal and civil cases. The minority report also contained the following apt commentary on the right to trial by jury:

If they had dreamed that Americans could be constitutionally robbed of their right of trial by jury by perverting injunctions and contempt proceedings from their historical uses to the field of criminal law, the people of the United States would have rejected the Constitution out of hand. If one is tempted to question the validity of this assertion, let him read Judge Story's affirmation that the omission from the original Constitution of the guaranty of jury trial in suits at common law later embodied in the seventh amendment raised an objection to the Constitution which "was pressed with an urgency and zeal * * * well-nigh preventing its ratification."

The tradition and the guaranty of the right to trial by jury was enshrined in the immortal words of Jeremiah S. Black before the Supreme Court in the case of Ex parte Milligan, as follows:

I do not assert that the jury trial is an infallible mode of ascertaining truth. Like everything human, it has its imperfections. I only say that it is the best protection for innocence and the surest mode of punishing guilt that has yet been discovered. It has borne the test of a longer experience, and borne it better, than any other legal institution that ever existed among men. England owes more of her freedom, her grandeur, and her prosperity to that than to all other causes put together. It has had the approbation not only of those who lived under it, but of great thinkers who looked at it calmly from a distance, and judged it impartially. Montesquieu and De Tocqueville speak of it with an admiration as rapturous as Coke and Blackstone. Within the present century, the most enlightened states of continental Europe have transplanted it into their countries; and no people ever adopted it once and were afterward willing to part with it. It was only in 1830 that an interference with it in Belgium provoked a successful insurrection which permanently divided 1 kingdom into 2. In the same year, the revolution of the barricades gave the right of trial by jury to every Frenchman.

Those colonists of this country who came from the British Islands brought this institution with them, and they regarded it as the most precious part of their inheritance. The immigrants from other places where trial by jury did not exist, became equally attached to it as soon as they understood what it was. There was no subject upon which all the inhabitants of the country were more perfectly unanimous than they were in their determination to maintain this great right unimpaired. An attempt was made to set it aside and substitute military trials in its place, by Lord Dunmore, in Virginia, and General Gage, in Massachusetts, accompanied with the excuse which has been repeated so often in late days; namely, that rebellion had made it necessary; but it excited intense popular anger, and every colony from New Hampshire to Georgia made common cause with the two whose rights had been especially invaded. Subsequently, the Continental Congress thundered it into the ear of the world as an unendurable outrage, sufficient to justify universal insurrection against the authority of the government which had allowed it to be done.

If the men who fought out our revolutionary contest, when they came to frame a government for themselves and their posterity, had failed to insert a provision making the trial by jury perpetual and universal, they would have covered themselves all over with infamy as with a garment; for they would have proved themselves basely recreant to the principles of that very liberty of which they professed to be the special champions. But they were guilty of no such treachery. They not only took care of the trial by jury, but they regulated every step to be taken in a criminal trial. They knew very well that no people could be free under a government which had the power to punish without restraint. Hamilton expressed in the Federalist the universal sentiment of his time, when he said that the arbitrary power of conviction and punishment for pretended offenses had been the great engine of despotism in all ages and all countries. The existence of such power is utterly incompatible with freedom. The difference between a master and his slave consists only in this: that the master holds the lash in his hands and he may use it without legal restraint, while the naked back of the slave is bound to take whatever is laid on it.

But our fathers were not absurd enough to put unlimited power in the hands of the ruler and take away the protection of law from the rights of individuals. It was not thus that they meant "to secure the blessings of liberty to themselves and their posterity." They determined that not one drop of blood which had been shed on the other side of the Atlantic, during seven centuries of contest with arbitrary power, should sink into the ground; but the fruits of every popular victory should be garnered up in this new government. Of all the great rights already won, they threw not an atom away. They went over Magna Carta, the Petition of Right, the Bill of Rights, and the rules of the common law, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression, strengthened by heavier sanctions, and extended by a more universal application. They put all those provisions into the organic law, so that neither tyranny in the executive, nor party rage in the legislature could change them without destroying the government itself.

Mr. President, if the injunctive processes authorized by sections III and IV of H. R. 6127 become the law of our land, I can foresee the day when our sacred heritage of right to trial by jury will stand alone, naked and forsaken. I can foresee the day when the rights of our people are trampled and a new and strange procedure is established which shall operate at the whim and caprice of one omnipotent official, the temporary occupant of the office of Attorney General of the United States.

It is distressing to me, as one who has ever sought to serve our working people throughout the land, to see that so many of the very people who for decades were subjected to the tyranny and injustices of government by injunction prior to the passage of the Norris-La Guardia Act in 1932, are now among the ones who come before the Congress and clamor for a return to the dark days of the past. Is it possible that we can ever forget that the labor movement was almost crushed through the awful injunctive processes which the courts had arrogated unto themselves prior to the adoption of the Norris-La Guardia Act?

Let me cite several graphic illustrations of the attitude of Labor toward the injunctions in labor disputes. The American Federationist in November 1912, declared,

Labor is not asking that justice be hampered by weakening the courts, but labor is

demanding that justice shall prevail by removing the abuses and mispractices of the courts. Unlimited and unchecked power vested in autocrat, king, president or judge, has always resulted in justice being perverted and tyranny stalking the land.

I need not say that the American Federationist was at that time the official organ of the American Federation of Labor, which was the great labor organization in America.

Samuel Gompers, the pioneer and towering leader in the American labor movement, declared in 1911:

Modern American courts assume the right to issue injunctions interfering with the personal rights of men in exercising free speech, free press, peaceable assemblage, and in their personal relationship with each other. The right of free speech, free press, and peaceable assemblage are specifically guaranteed by the Constitution. They are the fundamental safeguards of a free people, which neither court, king, nor cajolery should be permitted to destroy. The personal relationship between man and man comes clearly within the jurisdiction of the law courts and has no place in the courts of equity unless on the assumption of the court that man is property, an assumption repugnant to the sense of all civilized communities and specifically forbidden by the 13th amendment to the Constitution of the United States. Our contention is that when an injunction is issued in a labor dispute, irreparable injury is done to the parties involved and to the cause of labor, which no court can compute and no bond can indemnify.

The lawbooks are literally filled with cases illustrating judicial abuses and aggressions under the courts' injunctive powers. Indeed, the most shameful chapter in our judicial history was written by judges in labor-management relation cases prior to the enactment of the Norris-La Guardia Act. The susceptibility to abuse by judges of the injunctive process is clearly illustrated by the example of the years prior to 1932 when judges, acting without juries, in almost an unbroken line of cases, used the injunction to frustrate the efforts of labor to secure fair wages and reasonable working conditions.

The case of *Gompers* v. *the United States* (233 U. S. 604) is illustrative of the limits to which courts of equity would go in repressing the individual rights and constitutional liberties of persons who did not share the economic and social predilections of the judges in cases involving labor disputes. In the Gompers case the employees of the Buck Stove & Range Co. were striking for better working conditions. The company made application for and obtained an injunction issued by a Federal court of the District of Columbia, which undertook to repress the demands of the striking employees. Gompers was cited for contempt of court and for disobedience of the injunction, because he had truthfully stated orally and in print that no law compelled anyone to buy a stove maufactured by the Buck Stove & Range Co. A Federal judge, sitting without a jury, found Gompers guilty of contempt and sentenced him to jail, thus denying him his constitutional guaranty of freedom of speech and freedom of press, and denying to the ranks of labor, whom he so valiantly represented, the right to endeavor to improve their working conditions and their standard of living.

The decision of the lower court in the Gompers case was reversed on a technicality—on the grounds that the statute of limitations of 3 years had run before the contempt proceedings were initiated and, therefore, that the lower court had lost jurisdiction. Only by this technicality did Gompers escape prison.

Many other representatives of labor were not so fortunate. Prison sentences, sweatshops, broken unions, bare subsistence living, and other deprivations were the only monuments to those who courageously opposed the desecration of their individual liberties and who vainly sought to improve the lot of millions of America's working men, women, and children.

The almost unrestrained use of the injunctive and contempt processes by the Federal judiciary in cases involving labor disputes led to the enactment in 1914 of a section of the Clayton Act which attempted to extend the right of trial by jury in proceedings to punish violations of injunctions which were indirect contempts of court—that is, contempts committed outside the presence of the court. This section of the Clayton Act was recodified as sections 402 and 3691 of title 18 of the United States Code.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD sections 402 and 3691 of the Clayton Act as now embodied in title 18 of the United States Code.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

402. Contempts constituting crimes

Any person, corporation, or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000 nor shall such imprisonment exceed the term of 6 months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law.

SEC. 3691. Jury trial of criminal contempts

Whenever a contempt charged shall consist in willful disobedience of any lawful, writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done, or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

Mr. HILL. Mr. President, these sections, as is clear, provided that the respondent, whether a natural person or a corporation, cited for an indirect contempt for violation of an injunction, is entitled to a trial by jury if the act constituting a violation of the injunction is also a crime under an act of Congress or of the laws of the State in which it allegedly was committed. It is important to note at this point that almost all civil-rights violations are also crimes under both State and Federal laws.

These sections also provide the safeguard of limiting the total punishment in case of conviction to a fine of $1,000 and/or imprisonment not to exceed 6 months.

Unfortunately, however, sections 402 and 3691 do not apply to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. Later, I shall discuss the ramifications of this exception, when construed in connection with House Resolution 6127.

Following enactment of the Clayton Act, there came a series of court decisions which restricted the application of the jury-trial provision in contempt cases involving labor disputes. These cases prompted the late Fiorello H. La Guardia, of New York, co-author of the Norris-La Guardia Act, to charge that the courts were manned by politically appointed judges who had emasculated the Clayton Act.

There followed in the wake of the judicial emasculation of the Clayton Act a concerted demand by labor—with the almost unanimous support of the southern Members of Congress—for enactment of a law guaranteeing the right of trial by jury in cases involving labor disputes. For many years, advocates of the right of trial by jury fought hard to secure the enactment of legislation which would place some limitation on the judicial despotism that had been running rampant for decades, that grievously injured labor, and that had written shameful pages in the annals of the American judiciary.

Former Prof. Felix Frankfurter, of the Harvard Law School, and now Mr. Justice Frankfurter, of the United States Supreme Court, along with Nathan Greene, published in 1930 a book entitled "The Labor Injunction," which was a definitive study of the history of the labor movement in the United States and

of the abuses of the injunction and contempt processes, under which abuses representatives from the ranks of labor for too many years were summarily sent to jail without the benefit of jury trials. Professor Frankfurter wrote:

The grievances aroused by summary prosecutions for contempt and their legislative appeasement long antedate labor injunctions. But the incidence of hardship has, in our day, fallen heaviest on labor, because of the widespread threat of summary punishment conveyed by every labor injunction.

The heart of the problem is the power, for all practical purposes, of a single judge to issue orders, to interpret them, to declare disobedience, and then to sentence.

Professor Frankfurter said that the injunction "employs the most powerful resources of the law on one side of a bitter social struggle"—even, I may add, Mr. President, as would the injunctive process authorized by H. R. 6127. He warned that a stranger to an injunction suit may still be punished for contempt of the injunction—even, I may add, Mr. President, as would be done under the injunctive process authorized by H. R. 6127.

He further declared:

The restraining order and the preliminary injunction invoked in labor disputes reveal the most crucial points of legal maladjustment. Temporary injunctive relief without notice, or, if upon notice, relying upon dubious affidavits, serves the important function of staying defendant's conduct regardless of the ultimate justification of such restraint. The preliminary proceedings, in other words, make the issue of final relief a practical nullity. * * * In labor cases, complicating factors enter. The injunction cannot preserve the so-called status quo; the situation does not remain in equilibrium awaiting judgment upon full knowledge. The suspension of activities affects only the strikers; the employer resumes his efforts to defeat the strike, and resumes them free from the interdicted interferences. Moreover, the suspension of strike activities, even temporarily, may defeat the strike for practical purposes and foredoom its resumption, even if the injunction is later lifted. Choice is not between irreparable damage to one side and compensable damage to the other. The law's conundrum is which side should bear the risk of unavoidable irreparable damage. Improvident denial of the injunction may be irreparable to the defendant. For this situation the ordinary mechancis of the provisional injunction proceedings are plainly inadequate. Judicial error is too costly to either side of a labor dispute to permit perfunctory determination of the crucial issues; even in the first instance, it must be searching. The necessity of finding the facts quickly from sources vague, embittered, and partisan, colored at the start by the passionate intensities of a labor controversy, calls at best for rare judicial qualities. It becomes an impossible assignment when judges rely solely upon the complaint and the affidavits of interested or professional witnesses, untested by the safeguards of common-law trials—personal appearance of witnesses, confrontation, and cross-examination.

But the treacherous difficulties presented by an application for an injunction are not confined to the ascertainment of fact; the legal doctrines that must be applied are even more illusory and ambiguous. Even where the rules of law in a particular jurisdiction can be stated, as we have tried to state them, with a show of precision and a definiteness of contour, the unknowns and the variables in the equation—intent, motive, malice, justification—make its application in a given case a discipline in clarity and detachment requiring time and anxious thought. With such issues of fact and of law, demanding insight into human behavior and nicety of juristic reasoning, we now confront a single judge to whom they are usually unfamiliar, and we ask him to decide forthwith, allowing him less opportunity for consideration than would be available if the question were one concerning the negotiability of a new form of commercial paper. We ease his difficulty and his conscience by telling him that his decision is only tentative.

Professor Frankfurter stated "since the charge of criminal contempt is essentially an accusation of crime, all the constitutional safeguards available to the accused in a criminal trial should be extended to prosecutions for such contempt."

The convictions of Professor Frankfurter and of leaders of the labor movement ascended to such a crest of public approval that in 1928 both the Democratic and Republican platforms criticized abuses in the use of injunctions, and called for reform in our judicial processes.

The Democratic platform declared:

We recognize that legislative and other investigations have shown the existence of grave abuses in the issuance of injunctions in labor disputes. No injunctions should be granted in labor disputes except upon proof of threatened irreparable injury and after notice and hearing, and the injunction should be confined to those acts which do directly threaten irreparable injury. The expressed purpose of representatives of capital, labor, and the bar to devise a plan for the elimination of the present evils with respect to injunctions must be supported and legislation designed to accomplish these ends formulated and passed.

The Republican platform stated:

We believe that injunctions in labor disputes have in some instances been abused and have given rise to a serious question for legislation.

And so the clamor arising from the social conscience of the Nation demanded reform; and after 4 more years of judicial aggression, the Norris-La Guardia Act was passed, and gave birth to a new day of dignity and prestige to working men and women throughout the land. In securing passage of the Norris-La Guardia Act, labor won one of its greatest victories in the history of our Nation; but the victory could not have been won but for the vigorous and undaunted support of southern Members of Congress. I wish to emphasize that only one southern Member of the House of Representatives and not a single southern Senator failed to support its enactment I challenge any other region of our country to match this devotion to fair play and constitutional liberties.

Today, in the present historic battle in Congress southern Members of Congress sometimes seem to be standing virtually alone, foresaken and forgotten by those who so happily accepted their support, their help, and their votes only 25 years ago. Indeed, today it appears that many national union leaders have lost sight of the injustices they suffered and the liberties they espoused, and now are actually advocating the injunctive and contempt processes which they so acrimoniously condemned a quarter of a century ago.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished colleague.

Mr. SPARKMAN. First, I want to compliment my colleague for the wonderful presentation he is making, but I am prompted to ask this question, since he has just called attention to the fact that every single southern Senator voted to preserve the right of trial by jury in the case of the Norris-La Guardia Act.

Mr. HILL. We not only voted for it, but we really voted to establish it, because it had been taken away. It had been denied. We voted to establish it.

Mr. SPARKMAN. To reestablish the right.

Mr. HILL. That is correct.

Mr. SPARKMAN. I wonder what the Senator's opinion is as to what the result would be if the Norris-La Guardia Act were repealed.

Mr. HILL. Please do not ask me that question at this time, because I am going to pose the same question in a few moments. If my colleague will let me pose that question——

Mr. SPARKMAN. I apologize for anticipating. My guess is that every Senator has been asking himself that very question: What would happen? A great many of our friends who are advocating taking away the right of trial by jury would be beside us if such an attempt were made.

I shall not anticipate the Senator's speech, but let me ask this question: The argument has been made elsewhere, as it has been made on the floor of the Senate, that we need not worry about such a power being turned over to a single judge to exercise, rather than being placed in the hands of 12 jurors, because our judges are good men; they are men of integrity; they are men of principle. I have read in the newspapers that some kind of study has been made of judges in the South, how they have been appointed, and so on and so forth. Those articles make it sound rather ridiculous to assume that any Federal judge would ever make a foolish ruling. What about the ruling the Federal judge made in the Gompers case, to which the Senator referred a few moments ago?

Mr. HILL. There are many other good illustrations, but that instance in itself is a perfect illustration, and that ruling was made right here in the Nation's Capital, right here in the District of Columbia.

Mr. SPARKMAN. That Federal judge was no doubt a man of integrity and a man of judicial training, but he was an individual who was surrounded by all the pressures of the times and circumstances.

Mr. HILL. That is correct, and he was doubtless under the pressure of time, and it no doubt was urged that an injunction should be granted forthwith, or damage would be done. He perhaps did not have time to ascertain all the facts. He certainly did not have time to consider all the facts and the law. Perhaps he did not know what the law was.

Mr. SPARKMAN. As a matter of fact, is it fair to a judge to make him the trier of the facts?

Mr. HILL. I think the Senator has put his finger on a point to which I propose to advert a little later, and that is, it is not fair to a judge to put him in that position.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Alabama to give me an explanation of one thing I cannot comprehend. Our friends who are backing this bill say it is such a fine thing to be tried by a judge, without a jury, that they want the bill passed. If they think it is so fine to be tried by a judge, without a jury, does the Senator believe they would like to be placed under the provisions of the bill?

Mr. HILL. In answer to the Senator's question, I remind my colleagues to "Do unto others as you would want done to you." Certainly they are making no request that they be tried without the right of trial by jury.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. First of all, I should like to say I think the very able speech which the Senator from Alabama is making will be rated as among the speeches which have contributed to a sound solution of the legislative problem now before the Senate. Certainly, the history of the Norris-La Guardia Act as a step in eliminating abuses of the injunctive process deserves to be recorded, and the able Senator is doing so in a very fine manner. I feel, however, that there is a field in which the injunctive process may be used in respect to one of the phases of the House bill 6127, and I hope, before the Senator concludes his remarks, he will deal with that question.

I should like to ask the Senator 1 or 2 questions pointed toward that end. In the first place, would the Senator want to leave the impression that there is no place for the injunctive process in the matter of, for example, a strike which would be injurious to the public health and safety?

Mr. HILL. Of course, when the Senator gets into the field of public health and safety, he gets into a different field, in that it involves the question of the welfare and safety of all the people. Inherent in a government is its right to use necessary power for self-protection.

Mr. CASE of South Dakota. I am glad to have the Senator make that affirmation. It happened to be my privilege to participate in a panel discussion with Mr. La Guardia about 10 years ago, when this question came up. Mr. La Guardia was careful on that occasion to differentiate between the use of injunctions in strikes as a general proposition and a situation that might arise wherein he might find himself, as then mayor of a city, confronted with a strike that endangered the public health and safety. He was careful, in that panel discussion at least, to define the field in which he thought the injunctive process might be necessary for certain ends.

I wish to ask the Senator, then, if he does not feel that in the case where a person was about to exercise his right to vote, which is certainly fundamental in the maintenance of our system of government, that might not be a place where the injunctive process would be the only remedy available to prevent irreparable injury?

Mr. HILL. No. I would say to the Senator that practically all the States have statutes, with remedies provided therein, to which such a person might well resort. There are remedies provided and there are procedures provided, under the State statutes in practically all the States, which give persons remedies to which they may resort, without coming to Washington, to the Attorney General of the United States, to get an injunction for them.

Mr. CASE of South Dakota. Possibly the Senator may almost be begging the question by saying another remedy exists, and perhaps I may be begging the question by saying a remedy does not exist; but certainly instant or prompt relief is necessary if one's right to vote is about to be invaded or destroyed.

Mr. HILL. As I have said to the distinguished Senator, under the statutes of the several States there are remedies provided with respect to the right to vote, and other matters. One of the evils of the bill is that it would give to the Attorney General of the United States, one official here in Washington, the power to sweep aside all the State statutes, all the pertinent provisions in State laws, and obtain injunctions.

Mr. CASE of South Dakota. Mr. President, I shall not pursue the question further at this time, but I shall continue to listen to the able Senator with interest, because I think his approach to this problem is illuminating and helpful to all of us. I would argue the point a little further, but perhaps the Senator will come to that issue again later in his speech and perhaps we can renew the discussion at that time.

Mr. HILL. I thank the Senator.

Mr. President, I was referring to the national union leaders.

Can it be, Mr. President, that the memory of man runneth so short that leaders representing the former victims of judicial aggression can come to the Congress and ask for procedures which they in bygone years so strongly and bitterly opposed and even refused to recognize? Can it be that the leadership of organized labor has forgotten the unmistakable lesson of history that government by injunction can never be a government of law, but must ever be marked as a government of men? Can it be that labor has now forgotten the drastic use of the injunction, with the support of troops and police, to enforce the despised "yellow dog" labor contracts? Do the leaders of labor no longer remember the countless representative of our laboring people who were imprisoned without jury trials for contempt of court? Do they no longer remember the strife, the bloodshed, the brutality that characterized the economic and social structure of generations of Americans before labor finally achieved—with southern support—the beginnings of the dignity, the respect and the prestige which it has come to possess?

If leaders of organized labor have forgotten these lessons which they learned through sweat, blood, and sacrifice, and continue to insist upon the passage of H. R. 6127, and are successful in securing its passage, such legislation may well come back to haunt them again and again. They and the innocent persons whose views they represent may well rue the day they came before committees of this Congress and urged the enactment of legislation that would deny to any person the cherished and constitutionally ordained right of trial by jury.

In 1948 title 18 of the United States code was revised and codified and was enacted into positive law by the act of June 25, 1948 (62 Stat. 683, ch. 645).

Mr. ERVIN. Mr. President, before the Senator leaves the field he has been discussing, will the Senator yield to me?

Mr. HILL. I yield.

Mr. ERVIN. I should like to invite the attention of the Senator to the fact that there are some very powerful labor organizations which today insist that they be allowed to retain the right of trial by jury; namely, the Railroad Brotherhoods. It has been suggested on many occasions that the Federal Employees Liability Act, which applies to them, be repealed, and that they be placed under something in the nature of a Workmen's Compensation Act. On every one of those occasions the Railroad Brotherhoods have most emphatically demanded that they be allowed to retain the right of trial by jury under the Federal Employees Liability Act instead of being placed under a Workmen's Compensation Act.

Mr. HILL. The Senator is eminently correct.

The Senator from Alabama happens to serve as a member of the Committee on Labor and Public Welfare, which has jurisdiction over legislation dealing with railway employees. I know that the least whisper or the least rumor that the sacred right of trial by jury is to be taken away from our friends of railroad labor brings the strongest and the most thunderous protests.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD section 3692 of title 18 of the United States Code as revised and codified in 1948. This title makes the trial-by-jury provision applicable to "all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute."

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 3692. Jury trial for contempt in labor dispute cases

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the

right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court (62 Stat. 844).

Mr. STENNIS. Mr. President, will the Senator yield to me, briefly?

Mr. HILL. I yield to my friend, the Senator from Mississippi.

Mr. STENNIS. Mr. President, I commend the Senator from Alabama for the very fine speech he is making. The portion of it I heard completely was his reference to the Norris-La Guardia Act, and the history of the passage of the act and also its operations.

Mr. President, I remember, as a young lawyer, some of the trials and tribulations labor went through. I remember being impressed with what I thought were some of the great injustices to which laboring people were subjected by the abuse of the far-reaching injunctive process. The operation of this statute which was passed was for their benefit, and they were justly entitled to it. Since the statute has operated so well and has proved to be so sound and effective, frankly, I am amazed that when another great, broad social question, affecting large areas of the Nation and many millions of people, is at stake the labor groups should come here and actually ask that there be pressed down on the brow of other people the very system—identically the same—of which they were the victims just a few short years ago. I cannot believe yet that labor will continue to support this proposal when fully advised of its import.

I commend the Senator for his remarks. I join him in the prediction that if the labor groups do follow such a course it will haunt them in another day, at another time, and in another form. If the injunctive process is to be inflicted, without jury trial, on one group, the trend will be reversed and it will come to other groups, and they will rue the day, in my opinion.

Mr. HILL. As the Senator says, the bill reverses the trend.

Mr. STENNIS. Yes.

Mr. HILL. Once we undertake to deny the right to trial by jury under this bill and resort to the injunctive process, that is opening the door, that is an invitation to deny the right of trial by jury and to resort to the injunctive process under other bills and in other places. Where would there be a greater temptation to go than to the labor field? Where would stronger pressure come than to an effort to restore the injunctive process where it once existed, which was in the field of labor disputes?

I wish to thank my distinguished friend for his kind words and for the contribution he has made. I will say to him and to my distinguished colleague, the Senator from Alabama [Mr. SPARKMAN] that I shall now come to the question which my colleague wished to ask.

It is not difficult to imagine what would be the attitude of labor if the Senate should now be considering a proposed bill which stated:

Section 3692 of title 18 of the United States Code is hereby repealed—

That is the section to which I referred, giving labor the right to a trial by jury in labor disputes—

and the right to trial by jury in cases involving the issuance of injunctions in labor disputes of employees, unions, and union representatives is hereby denied.

Can Senators imagine what would happen if it were proposed to take from labor the precious right to trial by jury, and to send labor back into the dark days of injustices and cruel sufferings—the days of judicial tyranny under which it was forced to live?

Mr. CASE of South Dakota. Mr. President, will the Senator yield for one question?

Mr. HILL. I yield to my friend from South Dakota.

Mr. CASE of South Dakota. Inasmuch as the Senator poses that question, I should like to have the RECORD made clear that if that particular question were raised, if it were proposed to repeal that protection, I would vote against the repeal.

Mr. HILL. I thank the Senator very much. I appreciate the presence of the Senator here tonight. It demonstrates that the Senator from South Dakota, always a most conscientious and devoted Member of this body, is giving his earnest, careful, and prayerful consideration to the bill.

Mr. SPARKMAN. Mr. President, will my colleague yield?

Mr. HILL. I yield.

Mr. SPARKMAN. I should like to ask the Senator a question which I feel may be pertinent at this time.

What is my colleague's estimate as to the unanimity of the vote of southern Senators, if that question were pending today, in behalf of retaining the right to a jury trial?

Mr. HILL. I think that vote today would be exactly the vote we had in 1932 on the Norris La Guardia Act. It was a unanimous vote by southern Senators.

Mr. SPARKMAN. Mr. President, will the Senator further yield?

Mr. HILL. I yield.

Mr. SPARKMAN. This question is not completely in line, but a thought suggests itself to me at this time, because so often—and particularly in the course of this debate—southern Senators have been rather criticized because of their stand, and because so often people think of southern Senators as being reactionaries. Does the Senator know of a single great measure in behalf of labor, or for the betterment of the economic and social conditions of our people generally, that was ever placed on the statute books except by the vote of southern Senators and Representatives in Congress?

Mr. HILL. I will say to the distinguished Senators that, having been in the Congress for 34 years, I was a Member at the time when many of these great landmark acts were passed—for example, the Social Security Act, the Fair Labor Standards Act, the Wagner Act, and the act creating the National Institutes of Health. Those great acts were supported practically unanimously by Members of Congress from the South.

Mr. SPARKMAN. Is it not true that practically every one of them was sponsored by southern Representatives or Senators? If we name them one by one, we find that in every instance the sponsors, either in the Senate or the House, were southerners; and in most instances the sponsors in both Houses were southerners.

Mr. HILL. If we go through the list today, we find that the sponsorship of such legislation came in large measure from the South. Those measures were sponsored to a great degree by Representatives and Senators from the South.

I did not wish to take up too much time of the Senate, but I will take a moment to tell the story of a very historic event.

I remember being at the White House about 60 days before Pearl Harbor. The selective service law, which Congress had enacted for a period of 1 year, was on the eve of expiration. If that act had been permitted to expire, it would have meant the demobilization and the demoralization of the Armed Forces of our country. About 60 days before Pearl Harbor I happened to be among the number called to the White House by the President of the United States. He talked with the leaders of the Senate and the House, and the chairmen of committees, with regard to the necessity and the importance of the extension of that act.

Views were expressed in that conference to the effect that it was not possible to extend the act, that the votes simply were not in the Congress to take that action. The battle for the extension of that act came on, and the bill was passed in the House of Representatives by one vote. Every Member of Congress from the South voted for the extension of the act. Had a single southerner not voted, that act would not have been extended. It was a solid, unanimous support of the southern Representatives which made possible the passage of that bill and prevented our Armed Forces from being demobilized and demoralized within 60 days of Pearl Harbor.

Mr. SPARKMAN. Mr. President, will the Senator yield very briefly?

Mr. HILL. I yield to my colleague.

Mr. SPARKMAN. I remember quite well that vote in the House of Representatives. I was a Member. I remember the tenseness with which that rollcall was held. I remember the recapitulation. For some time we did not know which way the vote had gone.

My colleague is entirely correct in saying that the South showed a unanimous lineup in support of that measure, as well as of other measures which were taken, in the face of terrific difficulties during those days, to make this country ready for the war which was coming.

Mr. HILL. It was on the basis of the solid line of southern support that the forces were mobilized to win that fight, as well at the other fights to which the Senator has referred.

Mr. President, I suggest to all my colleagues who regard themselves as friends of labor or as friends of management or as legislators devoted to the maintenance of the most wholesome labor-management relations that section 121 of part III of H. R. 6127 may well apply to labor-management relations just as it applies to racial relations. Section 121 reads as follows:

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985) is amended by adding thereto two paragraphs to be designated "fourth" and "fifth" and to read as follows:

Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraph first, second, or third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

At one fell swoop this bill would wipe out all administrative remedies, as well as all the other remedies in the State, county, municipal, and other courts.

Mr. ERVIN. Mr. President, will the Senator yield to me in order that I may correct a minor error he has made?

Mr. HILL. Yes.

Mr. ERVIN. The bill would not wipe out such remedies, but the Congress would delegate to one man, the Attorney General, the power to wipe them out. He would not have to act according to anything except his caprice or whim.

Mr. HILL. My friend is absolutely correct. The situation is far worse than I have stated it. If Congress, acting as the representatives of the people, did such a thing, we would deplore it. It would be wrong. But to give such power to any one man, even though he be the Attorney General of the United States, is something that is incomprehensible under a government which we speak of as a government of justice and freedom.

Since this section makes reference to paragraphs first, second, or third of section 1985 of title 42 of the United States Code, let us examine the law which will be amended by section 121 of House bill 6127:

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

(1) Preventing officer from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (R. S. 1980.)

I call the Senate's attention to the fact that paragraph (3) makes no reference to race, creed, color, or national origin, and I submit that it was never intended that the benefits of this section should be restricted to those who have been deprived of the equal protection of the laws because of race, creed, color, or national origin. In fact, the Supreme Court has applied the equal protection provision to all persons, including corporations, and the equal protection of the laws provision of the 14th amendment clearly embraces every conceivable subject upon which a State has the authority and the jurisdiction to legislate and declare law.

In the case of *Yick Wo* v. *Hopkins* (118 U. S. 356 (1886)), the Court declared:

These provisions, i. e., equal protection of the laws, are universal in their application, to all persons within the Territorial jurisdiction without regard to any differences of race, or color, or of nationality.

In *Barbier* v. *Connolly* (113 U. S. 27 (1885)), the Court said that equal protection of the law requires "that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights."

These definitions and many others which could be cited clearly indicate that the term "equal protection of the laws" is not in any wise restricted to the field of racial relations but embraces an area which is far greater—the plenary powers of the States to legislate—and this area includes all the powers which were reposed in or reserved by the States at the time of the ratification of the Constitution.

This plenary power of the States to confer rights upon and create obligations of their citizens clearly includes certain areas in the field of labor-management relations. For example, States have conferred upon employees the right to receive workmen's compensation benefits in cases where workmen are injured on the job. Also, a number of States have conferred on employees the right to refrain from joining a union in pursuance of the authorization contained in section 14 (b) of the Taft-Hartley law.

There can be no question that the denial to an individual by a State of rights conferred by the State would constitute a deprivation of the equal protection of the laws clause of the 14th amendment and in cases of conspiracy under section 1985 of title 42.

Section 121 of H. R. 6127 empowers the Attorney General to institute civil proceedings in cases where a person has been deprived of equal protection of the laws, with or without the consent of the allegedly aggrieved party, and section 3691 of title 18 which I have previously cited serves to deny accused persons of their right to trial by jury in such instances. The question then arises: Could not the Attorney General employ the provisions of the proposed civil-rights bill to intervent in cases involving State labor laws, in derogation of the existing procedures?

Let us take the case of an employee who claims to have been injured in the course of his employment. State workmen's compensation laws confer upon employees the right to receive compensation for injuries sustained in accidents arising out of and in the course of their employment. Furthermore, the workmen's compensation laws of most States provide that claims for compensation shall be adjudicated initially before boards or administrative tribunals. Let us suppose that an employee, who has been injured and who has a claim pending before a workmen's compensation board goes to the Department of Justice and alleges that he is about to be denied equal protection of the laws because he is a member of a labor organization and because certain members of the board are prejudiced against union members. Under these circumstances, if H. R. 6127 should be enacted, it would be possible for the Attorney General to go into a United States District Court and obtain an injunction against the board members, restraining them from denying

the employee the equal protection of the laws by depriving him of his right to receive compensation.

The members of the board, who are now under the Federal court injunction, might be confronted with the unenviable position either of attempting to decide the case on its own merits, or of removing any possibility of their being cited for contempt by rendering the award. Furthermore, if the board should not award the full amount claimed, the members would still be subject to a prosecution for a contempt of the injunction, and in the contempt proceedings would be denied the right to trial by jury.

Under these circumstances, the only decision that the board can render and at the same time fully protect its members from the threat of a prosecution for contempt of the injunction is to award to the employee the full amount of his claim. Would this not mean that an employer would be required to pay a compensation award for which in all justice he may not have been liable?

Similarly, could not the Attorney General invoke the provisions of H. R. 6127 to enforce State right-to-work laws enacted in pursuance of section 14 (b) of the Taft-Hartley Act?

When we reflect upon the possibilities which such arbitrary power in the hands of the Attorney General might produce we can see that there may be nothing to prevent a politically minded Attorney General from employing the injunctive and contempt processes of the civil-rights bill to harass either labor or management.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from South Dakota.

Mr. CASE of South Dakota. The Senator has been directing his recent remarks to the three paragraphs of section 1980 of the Revised Statutes, particularly to the application of what would be the fourth and fifth paragraphs of the section as set forth in the bill beginning on page 9. As I understand, paragraph 4 is the one which adds injunctive relief in suits for damages which are provided for in the present law.

Is the Senator objecting to any addition to the provision for injunctive relief, or is he objecting particularly to the latter part of the fifth paragraph, which provides that "the district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law"?

Mr. HILL. I certainly am objecting to that power being lodged in the Attorney General to go into court and seek the injunctive process.

Mr. CASE of South Dakota. So the Senator is objecting to both paragraphs. It may be that objections can be raised, but it seems to me——

Mr. HILL. He can now go into court and sue.

Mr. CASE of South Dakota. Yes; but it seems to me that the most objectionable feature would be in the latter part of the fifth paragraph, which provides:

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Mr. HILL. I agree. That is certainly the most objectionable part, because what it does is to sweep away all the administrative remedies and processes. As the Senator well knows, not only the courts, but Congress also, insist that resort be had to administrative remedies before coming into court.

Mr. CASE of South Dakota. As the Senator knows, I am not a lawyer, but I had a little experience in that field once upon a time in the newspaper business. There were some partners in a newspaper enterprise who fell out, so to speak. One of the partners sought an injunction against allowing the remaining partners to continue to publish the newspaper. I thought the court rightly held that he should have exhausted his other remedies before he sought an injunction to stop the publication of the newspaper.

Mr. HILL. The rule invoked not only by the courts, but by Congress as well, is that one must resort first to administrative remedies.

Mr. CASE of South Dakota. I certainly agree with the Senator from Alabama that the language which reads "shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law" is clearly objectionable.

Mr. SPARKMAN. Mr. President, will the Senator yield, with the understanding that he does not lose the floor?

Mr. HILL. I yield.

Mr. SPARKMAN. I called the attention of the Senator from South Dakota to something else which he has pointed out heretofore, and as to which I believe he has said on the Senate floor he intended to offer an amendment. This is a coverall bill, which has a fatal defect.

Mr. CASE of South Dakota. Mr. President, the Senator from South Dakota has not said on the floor of the Senate that he was going to offer an amendment.

Mr. SPARKMAN. I saw the Senator quoted in the newspaper as saying something or offering a suggestion to that effect.

Mr. CASE of South Dakota. That is why I welcome the opportunity to say that I have not made such a statement on the floor of the Senate.

Mr. SPARKMAN. I was thinking that the Senator from South Dakota had made that statement on the floor of the Senate.

I wonder if my colleague has read the editorial in this evening's Washington Star entitled "Swapping Civil Rights." The edtorial calls attention to the swapping away of the right of trial by jury in order to get supposed relief in the field of civil rights. I wonder if my colleague would mind my reading from the editorial.

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to my colleague to read excerpts from the editorial, without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. The next to the last sentence of the editorial reads:

> We applaud the Senators of the minority who are attempting to show the cost in damage to one civil right demanded as the price of strengthening another.

I wonder also if my colleague has read the editorial in the New York Times of today on this subject.

Mr. HILL. Yes; it is a most excellent editorial.

Mr. SPARKMAN. The New York Times, of course, is supporting the proposed legislation—or thought it was supporting the proposed legislation.

Mr. HILL. But it is waking up now to what the proposed legislation is.

Mr. SPARKMAN. It has waked up. It says in language that cannot be misunderstood that the bill needs changing; that it thought it was supporting legislation which would give the right to vote. But the New York Times has found that the Senators in the minority have pointed out something which ordinarily would have been pointed out by the Committee on the Judiciary, had that committee had an opportunity to consider and report the bill to the Senate for our consideration, namely, that the bill was far more than a mere voting bill. The New York Times indicated that the bill ought to be changed so as to make it that kind of bill.

Mr. HILL. The New York Times is no longer for the bill as it is now written, because it has found that the bill is not what it thought and understood the bill to be.

Mr. SPARKMAN. I assume that my colleague has followed the editorial course of the Washington Post and Times Herald in three different editorials, in which the Post and Times Herald has come to the same viewpoint.

Mr. HILL. My distinguished colleague on yesterday, in his very able address to the Senate, placed those editorials in the RECORD and made good use of them. They demonstrate the change that has taken place since the true facts about the bill and the true purposes about the sweeping power and drastic provisions of the bill have been brought to light.

Mr. SPARKMAN. Mr. President, will my colleague yield further?

Mr. HILL. I yield.

Mr. SPARKMAN. We have been subjected to much criticism, criticism even for the limited amount of debate in which we have engaged in this matter, and in which we have spoken about the futility of adopting the motion to take up the bill. Does not the Senator feel that our presentation of these facts before the Senate has brought to the attention of the country many things the people did not know, as is exemplified by what has been written in these great newspapers, the New York Times, the Washington Post and Times Herald, and the Washington Evening Star?

The Senator will remember, perhaps, that I placed in the RECORD an editorial from the Christian Science Monitor. These newspapers, and other great

newspapers across the country, are waking up to the fact that the bill represents perhaps the most crafty, artful——

Mr. HILL. Subtle.

Mr. SPARKMAN. Subtle, cunning——

Mr. HILL. Cunning. [Laughter.]

Mr. SPARKMAN. Sly draftsmanship which perhaps we have ever seen in the Senate of the United States.

Will the Senator yield to me one more time?

Mr. HILL. Yes.

Mr. SPARKMAN. Did the Senator read the column written by that great journalist, Arthur Krock, and published in the New York Times today?

Mr. HILL. No; I will have to say to the distinguished Senator that I have not had the opportunity to read it.

Mr. SPARKMAN. Then, I want to commend to my colleague and to all other Senators a reading of Mr. Krock's column.

Mr. HILL. Today's issue of the New York Times is on my desk now. I had hoped to read that column, but I have not had an opportunity to do so.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that my colleague, without losing the floor, may permit me to have printed in the body of the RECORD, following the remarks of the senior Senator from Alabama, first, the editorial entitled "Swapping Civil Rights," published in the Washington Evening Star, and to which I have already made reference; second, an editorial entitled "The Right To Vote Bill," published in the New York Times of today, to which I have referred; and third, the very fine column entitled "An Obstacle to the Current Senate Debate," written by Arthur Krock and also published in the New York Times today.

Mr. CASE of New Jersey. Mr. President, reserving the right to object—and of course I shall not object to the request—I wish to point out that the editorial published in the New York Times of today was placed in the RECORD earlier by the junior Senator from South Dakota.

Mr. SPARKMAN. Was it placed in the body of the RECORD?

Mr. CASE of South Dakota. I asked that it be placed in the body of the RECORD; I hope it will appear there.

Mr. CASE of New Jersey. Mr. President, reserving the right to object—and I shall not object—the article by Mr. Krock, and also an article written by James Reston were placed in the body of the RECORD by the majority leader earlier today.

Mr. SPARKMAN. Then I shall not ask that they be printed again.

Mr. CASE of New Jersey. I do not object to the repetition.

Mr. SPARKMAN. No; but I do not care to clutter the RECORD.

Mr. CASE of New Jersey. The article by Mr. Reston points out that statements made previously by Senators on and off the floor of the Senate were made in the early days of the hearings by the Attorney General in describing the bill before the Committee on the Judiciary, and in the first pages of those hearings everything that has been said here appeared.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). The senior Senator from Alabama has the floor.

Mr. SPARKMAN. Mr. President, have the insertions been allowed?

The PRESIDING OFFICER. Without objection, the matters will be printed.

Mr. SPARKMAN. I withdraw the column by Mr. Arthur Krock, since it has already been printed.

Mr. JOHNSON of Texas. Mr. President, is the Senator from Alabama aware of the fact that the Washington Star editorial and the Reston column in the New York Times have already been placed in the RECORD?

Mr. SPARKMAN. I should like to have the New York Times editorial and the Washington Star editorial printed in the body of the RECORD in the course of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I undertook to examine the Attorney General about the application of the broad powers contained in title 42, section 1985, and the power of the President to call out the Armed Forces under title 42, section 1993. The Attorney General challenged the authority of the committee to put that question to him.

Mr. SPARKMAN. And he declined to answer.

Mr. ERVIN. Yes; he would not answer. He challenged the authority of the committee to put the question to him.

Mr. HILL. Mr. President, at the time when we began to deal with editorials and articles, I was speaking of the fact that the power proposed to be given to the Attorney General might well be used by him in such a way as would harass labor and management.

In a spirit of concern for the rights of both labor and management, I, therefore, urge the rank and file of labor to demand that their leadership reconsider its advocacy of H. R. 6127; and I urge employers in business and in industry to reexamine the bill and to consider the inaction which has characterized their conduct during this debate in the Congress. I urge the Members of this body to take a sober second look at the full ramifications of this measure.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Let there be order in the Chamber. Senators wishing to converse will retire to the cloakroom.

Mr. HILL. Mr. President, I make the point of order that the Senate is not in order, and that Senators should take their seats. Mr. President, I have been talking very seriously about rights; and knowing my rights as a Senator, I wish to insist upon them. [Laughter.]

The PRESIDING OFFICER. The Senator from Alabama will be accorded his rights.

Mr. HILL. Mr. President, let us not turn back the clock and usher in another era of government by injunction, under which all our people, and labor and management included, can be subjected to the evils of judicial autocracy.

The virile and intrepid spirit that has made our Nation great is the spirit of independence and aggressive initiative, the determination of our people to face up to hard problems and to solve them in a spirit of peace and good will. We must never, as a Nation, permit ourselves to drift into a no-man's-land of absolutism and government by injunction—a course that would eat away and would surely undermine the very foundations of personal freedom.

Mr. President, let us not turn our backs on the magnificent heritage and the system of government of and by free men, the indestructible union of indestructible States, that have come down to us at such great sacrifice. Let us all, men of good will everywhere, join hands and send this measure down to the tongueless silence of dreamless dust.

EXHIBIT 1

[From the New York Times of July 11, 1957]

THE RIGHT-TO-VOTE BILL

The lengthy conference President Eisenhower had yesterday with Senator RUSSELL, of Georgia, indicates the seriousness with which the White House views the major charge brought by Mr. RUSSELL in his speech last week against the civil-rights bill. This was the sensational allegation that hidden in one section (part III) of the bill is "a force law designed to compel the intermingling of the races in the public schools" by the injunctive process, and "to authorize the use of troops" to integrate them.

Although the inflammatory language Senator RUSSELL used in his speech does not contribute to a calm approach to this touchy subject, the fact remains that he has discovered in the pending bill terminology that may indeed be fairly interpreted in the way he chooses to interpret it. In previous discussion of the civil-rights measure there has been almost total neglect of this one point. The administration bill in something very much like its present form was debated and passed by the House a year ago; the current one was debated and passed by the House again last month; there have been extensive hearings and reports and innumerable speeches on the subject; yet in all this time no one has made a real issue of the possibility pointed to by Senator RUSSELL that the bill might be used to enforce school integration by injunction. The House minority reports both this year and last, and some brief testimony by Attorney General Brownell, do mention this possibility. But until the last few days it has been generally overlooked—so much so that some of the bill's leading proponents now admit privately that they had never even thought of it.

Now, this does not mean that the language is therefore bad, nor that on its merits the section of the bill to which Senator RUSSELL most violently objects should be eliminated. But it does mean that there is every indication that neither President Eisenhower nor the principal protagonists of the administration bill in Congress considered this measure as anything more than a bill to insure to every American citizen the right to vote in Federal elections, as guaranteed by the Constitution. The President has said as much in his press conferences: "I was seeking * * *

to prevent anybody from illegally interfering with any individual's right to vote * * *." Practically everybody fighting for this bill, and we include this newspaper, has been seeking the same thing. We have viewed it primarily as a "right-to-vote" bill; and, as we have said here before, we believe that the injunctive process without jury trial is a perfectly proper device to enforce this basic constitutional right if necessary. We also believe with the Supreme Court, and have said many times, that integration of the schools is likewise required by the Constitution. We believe, too, in equality of economic opportunity for all races—a point that was originally included in and then eliminated from the administration's civil rights proposals. But not all of these rights can be enforced in precisely the same way, nor can some be effectuated as quickly as others.

It would in no way prejudice the inexorable forward march of school desegregation in the South to make it clear that this bill deals exclusively with voting rights, which is what almost everybody had thought all along it deals with. Integration of schools is quite another matter; and although it may well be that the devices used in the pending bill may ultimately be found necessary to enforce the desegration decision as well, it is the part of wisdom to take one step at a time and concentrate now, in this law, on the basic right of a free ballot.

Of course the entire question of amending the civil-rights bill is premature anyway, because technically the question now before the Senate is whether or not to take up the measure at all. The southern oppositionists haven't a leg to stand on—though they have strong voices—in the debate over making this bill the pending business. Once that is done, then will come time for amendments and limitations. The southern die-hards, Senator RUSSELL included, are not going to like the bill in whatever form it emerges. Much more important than whether or not they like it is the question whether it is an equable, moderate, enforceable bill in conformity with our best traditions. We think that it can easily be made just that.

EXHIBIT 2

[From the Washington Evening Star of July 11, 1957]

SWAPPING CIVIL RIGHTS

Senators opposing the civil-rights bill are properly and effectively concentrating their efforts now on showing, in terms of the surrender of certain civil rights, the cost imposed by this bill for the protection of other civil rights, ostensibly the right to vote. There is no doubt that such costs are inherent in the bill.

Senator FULBRIGHT, in an able speech, made an illustrative comparison between the value of certain civil rights involved—the value of the right of trial by jury and the value of the right to vote. He recalled that the guaranty of trial by jury is mentioned specifically four times in the Constitution, which in no place provides unrestricted suffrage for every citizen. More than relative values, however, the Senator was stressing the preoccupation of the founders with a right that is fundamental in a free society, and which is subject to damaging impairment in this bill.

It remained for Senator ERVIN, however, in an outstanding discussion of the jury trial issue, to point out the real danger, as we see it, in this bill's circumvention of the jury trial principle. That danger does not lie in the realistic possibility that arbitrary, capricious or tyrannical Federal judges will be sent into the South and ruthlessly begin throwing into jail—for sentences restricted only by personal discretion—men and women they find guilty of violating their injunctions. The danger is in the expedient advocacy, by men anxious to accomplish an end which they find immediately desirable, of broadening the injunctive process far beyond its previously narrow field; perverting, in fact, its historical use, and coupled with the power of punishment for contempt, utilizing it in a new and extensive field of criminal law.

We do not believe that Senator ERVIN is seeing monsters under the bed, or indulging in mere oratorical rhetoric, when he says that if the Federal courts are given power to suppress crime by injunction in equity proceedings and trial for contempt without juries, in the field of civil rights, to prevent offenses already defined in ancient law as criminal, there is no valid reason to suppose that on some other day, when people are frustrated and sickened by inability to deal with crimes in another field, some other well intentioned administration headed by a President who wants to accomplish what seems to be a morally desirable and politically helpful end, will not resort to the same subtle evasion of a basic principle of free government.

The attempt to pack the Supreme Court was made by an honorable and upright Attorney General, under the direction of his President, as a method of accomplishing what they believed to be a desirable end. This expedient extension of the injunctive and contempt processes to enforce old laws in new areas has been put forward by another honorable and upright Attorney General to get around admitted difficulties in obtaining convictions by jury in civil-rights cases. He is doing it for what he believes to be a desirable end, and his President is more familiar with the end than with the means employed to reach it.

We do not believe the parallel is overdrawn. We applaud the Senators of the minority who are attempting to show the cost in damage to one civil right demanded as the price of strengthening another. Those who defeated the Court packing plan were also, at one stage, in the minority.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. ERVIN. I should like to congratulate the country on the eloquent plea the distinguished senior Senator from Alabama has made to the Senate for the preservation of the basic constitutional and legal rights of the American people, for the benefit of the people of the South.

I should also like to commend the Senator from Alabama especially for pointing out, in the last portion of his speech—the portion which had reference to the broad powers of section 1985 of title 42, and especially subsection 3—that subsection 3 relates to the equal-protection-of-the-law clause, and that under that subsection the Attorney General would have the authority, if the bill in its present form were enacted into law, to litigate in the name of the United States, and at the expense of the American taxpayers, for any alien of any race, any citizen of any race, and any private corporation in any of the 48 States, in respect to any matter in the area in which the State is authorized either to act or to legislate.

I sincerely thank the distinguished Senator from Alabama.

Mr. HILL. Mr. President, I wish to thank the Senator from North Carolina for his very generous words and for his very fine and timely contribution.

Mr. RUSSELL. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield to the distinguished senior Senator from Georgia.

Mr. RUSSELL. Mr. President, I would that all the people of the United States might have been assembled to have heard the eloquent and convincing speech which has just been delivered on the floor of the Senate by the distinguished Senator from Alabama [Mr. HILL]. If that could have been arranged, if such a system could have been devised, the troubles which afflict us at this hour would have been resolved.

I congratulate the distinguished and able Senator from Alabama, my friend of many years, on one of the most masterful and powerful speeches I have ever heard, which has ground into shreds any real argument in favor of the bill, and has relegated it into the realm of a political mission.

Mr. HILL. Mr. President, I wish to express my deep appreciation and my heartfelt thanks to my good, generous, and devoted friend of so many years, for his words. I appreciate them not only because they come from my friend, but also because he is our leader, the leader of those of us who oppose the bill and who are resolved to fight it to the bitter end.

Mr. STENNIS. Mr. President, will the Senator from Alabama yield to me, to permit me to make a brief statement?

Mr. HILL. I yield.

Mr. STENNIS. Mr. President, I have already commended the Senator from Alabama for the very fine speech he has made; but at this time I wish to thank him.

Reference has been made to his having spoken for the people of the South; but I know he is a man who has a great interest in humanity in every area; and he is speaking for the entire country, too, when he speaks on the bill. For the fine, fundamental points he has made so clearly and so eloquently, I commend him and thank him again.

Mr. HILL. Mr. President, I certainly wish to express my deep appreciation to my wonderfully kind and generous friend, the Senator from Mississippi, for all his kind words.

Mr. THURMOND. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the able Senator from Alabama for the masterful address he has delivered. I happen to be a member of the Senate Committee on Labor and Public Welfare, of which he is chairman. I have never known a more gentlemanly, finer man than the distinguished Senator from Alabama. He is a lover of humanity, and he has done a great deal in very many ways for the people of the country.

His address of this evening should be read by every Member of the Senate and by every true American, for I am sure it portrays Americanism as it is at the present time and as we wish to keep it.

Mr. HILL. Mr. President, I desire to thank my good friend, the Senator from South Carolina. He and I have served together and have worked together. I

am deeply grateful to him for his very generous words.

Mr. President, I yield the floor.

Mr. THURMOND obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me, to enable me to propound a unanimous-consent request, with the understanding that he will not thereby lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the senior Senator from Oregon [Mr. MORSE] be recognized.

Mr. STENNIS. Mr. President, will the Senator from Texas please repeat his request?

Mr. JOHNSON of Texas. I ask unanimous consent that at the conclusion of morning business tomorrow, the senior Senator from Oregon [Mr. MORSE] be recognized.

Mr. STENNIS. Mr. President, reserving the right to object—although I would not object at all—let me say that I had understood that I would be recognized first in the morning, to speak; I understood that had been agreed upon.

Mr. JOHNSON of Texas. Mr. President, I did not know that. If the Senator from Mississippi desires to speak first tomorrow morning, I shall be glad to have him do so.

Mr. STENNIS. That is quite all right; I shall not object to the request the Senator from Texas has made.

Mr. JOHNSON of Texas. Earlier today I had told the Senator from Oregon, inasmuch as he wished to make a brief statement in the morning hour, tomorrow, that that would be agreeable.

Mr. STENNIS. That is quite all right. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, this is a sad day in the history of the United States. Every American who believes in the Constitution upon which this Federal Government was established should be sorrowful.

The Founding Fathers believed they had fought the battles of freedom and won when they ordained the Constitution and, quickly thereafter, the Bill of Rights. They did not anticipate that 181 years after they declared their independence from Great Britain that the Congress, which they helped to create when freedom was won, would be considering the imposition of laws to usurp the freedom of the people. They did not visualize the possibility that within our own Federal Government, created by specific delegation of powers from the separate States, there would be attempts such as this to take from the people precious rights guaranteed by the Constitution.

Yes, Mr. President, this is indeed a day of sorrow when we have to urge in the United States Senate that our colleagues give consideration to the rightful division of powers established in the Constitution. The efforts which we have witnessed this year in the Congress to impose obnoxious and unnecessary laws upon the citizens of this Nation, have brought about division in domestic affairs when our efforts should be devoted to bringing about unity in the building of a strong national defense to protect the free world.

Every citizen of this Nation should be concerned with this combined effort by a part of the executive branch and many Members of Congress to force through the Congress this so-called civil-rights bill.

Today the objective in trying to pass House bill 6127 is to force upon the South, by use of craftily designed laws, the acceptance of racial integration. Do not be deceived by the statements that the main purpose of this bill is to protect the voting rights of Negro citizens.

The real purpose is to arm the Federal courts with a vicious weapon to enforce race mixing.

Today the purveyers of this proposed legislation may believe it will fit their objective so well that it could not harm them and their adherents in future years. But the sharpness of a knife does not control the direction in which it cuts.

I am convinced that such a bill, if enacted into law, would eventually be applied in many ways which its authors and advocates would consider just as undesirable as I consider it now in its original intent.

What is being attempted by the advocates of this bill, at the urging of the Justice Department, is a step in a long stairway of Supreme Court decisions, each of which has descended further away from the lofty principles of the Constitution. Therefore, what the people face is the question of whether they want Congress to assist the Supreme Court further down the stairway which leads away from the Constitution.

My view and the view of millions of other citizens is that the Congress should reverse the direction that has been taken by the Court in recent years instead of following meekly at the heels of the third branch of the Government.

There are pending in the committees of the Senate a number of bills which should be taken up to protect the Nation from the many decisions of the Court which have so adversely affected the welfare of the people. Embodied in these bills are the vital parts of law which should be considered if we want to protect the best interests of the people.

I predicted a few moments ago that the enactment of this so-called civil-rights bill would bring results not anticipated by its present advocates. The more recent decisions of the Supreme Court have already brought cries for relief from some of them, who applauded the unfounded decision in the school-segregation cases.

The Solicitors General of two administrations presented amicus curiae briefs to the Court urging that segregation in the public schools be declared illegal. The basis on which the Court rendered its decision in Brown against Board of Education was based entirely on sociological and psychological opinions. The grounds upon which this case was based are less substantial than its decision in the Jencks case, which opened up the FBI files.

But now the Attorney General, who directs the actions of the Solicitor General, comes to the Senate crying for speedy enactment of a law to protect the FBI files.

That is a good illustration of what should be expected in the future as the result of passing any bill of the nature of the so-called civil-rights measure sent to us by the House. The judicial knife is cutting in a different direction now than when it was carving out the decision of the school cases. The legislative knife also changes directions, and the wounds of the unexpected cut can be worst of all.

The American people have been the victims of a highly successful propaganda campaign. When the National Association for the Advancement of Colored People, and like organizations, first failed to get what they wanted from Congress, they went to the courts. Their campaign there was successful.

As success began to reward the efforts of the NAACP in the Court, culminating in the school cases decision, officials of both national political parties rushed to take their places at the head of the civil-rights parade.

The bill which the House has sent to the Senate is now the focal point of efforts by both parties to force political ammunition through Congress. I do not believe I would be mistaken in suggesting that some mention of the efforts being made to pass this bill will be made during the congressional elections next year. Doubtless there will be statements as to who tried hardest to secure its passage.

Propaganda and pressure are the explanation of the fact that a bill such as this is being considered at all.

Propaganda turned the Court from the Constitution to sociology, and pressure has brought the Senate to the point it has reached with this bill.

There is an inseparable relationship between the recent decisions of the Court, beginning with the school cases, and the efforts to pass this bill through the Senate. In both instances, there is a departure from the fundamental principles of the Constitution. In both instances there are usurpations, or attempted usurpations, of authority not constitutionally held by the Court or by the Congress. Let us go back for a few minutes and discuss some of the basic provisions of the Constitution.

The Constitution provides in article I, section 1, that:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

In view of recent developments in our judicial system, I feel it appropriate to read this section of the Constitution

again, as my colleagues and I have read and reread it many times in the past. I hope that members of the Federal judiciary will read it and reread it again in the future.

Section 8 of article I enumerates the powers of the Congress.

Section 9 of article I spells out specific prohibitions and limitations on the powers of the Congress.

Section 10 of article I defines limitations on the power of the States and, further, specifies additional limitations which require approval of the Congress prior to action by the States.

But even the clarity of these provisions did not satisfy the people when the Constitution was being drafted and when it was finally ratified by the nine requisite States to become effective in 1789. Several States ratified only after long debate and the adoption of recommendations that a Bill of Rights be added to make some of the provisions clearer.

A total of 124 amendments were proposed by the States for inclusion in the Bill of Rights. Seventeen amendments were accepted by the House, two of which later were rejected by the Senate. The remaining 15 were reduced to 12 before final approval by the Congress. The States rejected 2 of the proposals, and thereby the Bill of Rights was distilled down to the original 10 amendments.

The first eight amendments listed certain rights specifically retained by the people. The ninth stated that the "enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

And the 10th amendment declared:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Although the 10th amendment did not give additional power to the States, or delegate less to the Federal Government, it did make clear the intent of the people to reserve to themselves all powers not specifically delegated to the Federal Government.

The same Constitution and the same Bill of Rights which spelled out the legislative power of the Congress—and made clear that no legislative power was held by the Court—also provided for the protection of personal rights of the people. I shall subsequently discuss the point at greater length, but I want to mention briefly now the particular point that a person's right to jury trial is specified in the Constitution and in the Bill of Rights.

Before Congress approves the usurpation of any right held by the people individually, it should recall an instance when the President attempted to assume the power rightfully held only by the Congress.

On April 8, 1952, President Truman issued an executive order directing the Secretary of Commerce to seize and operate most of the steel mills of the country. He stated that his purpose was to avoid a nationwide strike of steelworkers during the Korean war.

He issued the seizure order "by virtue of authority vested in my by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States."

In a 6-to-3 opinion, the Supreme Court upheld an injunction of the district court restraining the seizure. Justice Black wrote the majority opinion, in which he pointed out that no statute expressly authorized or implied authorization for the President to seize the steel mills; that in its consideration of the Taft-Hartley Act in 1947, the Congress refused to authorize Government seizure of property as a means of preventing work stoppages and settling labor disputes. He also declared that the power sought to be exercised was the lawmaking power, which the Constitution vests in the Congress alone. Further, he pointed out that such previous actions by the Chief Executive did not thereby divest the Congress of its exclusive lawmaking authority.

Thus the Supreme Court was quick to repel this attempt by a Chief Executive to exercise authority not vested in him by the Constitution or by statute.

But the Court's memory was short indeed when it considered the school segregation cases. The Court itself usurped the power of the States by its decision of May 17, 1954, and its decree of May 31, 1955. I cite this case because of the essential bearing it has on the so-called civil-rights bill and because it illustrates, once again, a similar pattern between the actions of the Court and this proposed action of the Congress.

Just as the Court seized the reserved authority of the States by hearing the school cases, so is the Congress now meddling in the affairs of the States. There were already legal grounds for operation of the schools as each State desired, not only in the South, but North, East, and West as well. There is also ample legal protection for voters and for the civil rights of all citizens already on the statute books of the States and the Federal Government.

Since the laws of the States, and existing Federal laws already adequately protect the civil rights of every person, the advocates of this bill should admit their objective. The truth is they want to go beyond the harsh decision of the Court in the school cases. That decision did not require integration of the races. What the advocates of this bill attempt to accomplish is to force integration.

For a more complete understanding of the situation, let us briefly examine the events subsequent to the Court's 1954 decision.

On May 31, 1955, the school cases were remanded to the district courts, leaving to them the setting of time for compliance. The case which arose in Clarendon County, S. C., was heard in Columbia before a three-judge Federal court.

In his opening remarks at the hearing on July 15, 1955, Chief Judge John J. Parker said:

> It is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly but, if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches.

Judge Parker's words point clearly to a means of continued segregation on a voluntary basis. Were it not for the agitators who have no regard either for the Constitution or for the best interests of a majority of both races, I believe voluntary segregation would work satisfactorily.

Permit me to quote Judge Parker further:

> Nothing in the Constitution or the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

Two points in Judge Parker's application of the Supreme Court decision need to be emphasized. First, the decision of the Court "does not require integration," and, second, it is "not a limitation on the freedom of individuals."

Because this is true, the ardent proponents of forced racial integration are now attempting to bring about their objective through the enactment of this obnoxious bill. Having gained one unconstitutional objective through the Court, they now want to seize another through the Congress.

But in the South the people have been living under the rules laid down by Judge Parker. They have stood firmly on their right of personal freedom to choose their associates and to maintain segregation of the races for the best interests of both white and Negro citizens.

Now, as in the past, there is a concentration of the Negro population in certain States. Where the concentration is greater in proportion to the total population of a State, the problem is greater. Senators will note from the following statistics that the States where the concentration is greatest are the States where the resistance to integration is greatest.

The national average of Negro population in relation to total population is 10 percent. But every one of the Deep South States where there is absolute resistance to integration has a Negro population ranging from almost 22 percent in Florida to more than 45 percent in Mississippi. South Carolina has 38.8 percent, Louisiana 32.8 percent, Alabama 32 percent, Georgia 30.8 percent, North Carolina 25.7 percent, and Virginia 22.1 percent Negro population.

No State outside the South has as much as 8 percent of its population made up of Negroes. In fact, 13 States have less than 1 percent Negro population.

These facts should create some understanding of our problem. Also, they should provide a basis for persons from other sections of the country to consider how their views may change in the future. It is well established by the reports of the Bureau of the Census that the trend of the Negro population is to States outside the South. Although the Negro population of the South continues to increase, it is increasing vastly more in the States which heretofore have not had a sufficient percentage of Negroes, in relation to total population, to recognize the problems which beset the Southern States.

However, in the large cities outside the South where there has been a great concentration of Negro population, a great many of our problems have been recognized.

I might say here that even the most biased observer who has been through the slums of these cities—including the Nation's Capital—has viewed scenes far worse than can be found in the South. Living conditions of a Negro family in the poorest houses of the rural South are not so undesirable as the squalor of slum dwellings in the cities.

Economic conditions—like the condition of our schools—have not followed race alone. Financial income of farm families of both the white and Negro races has never been so high as the income of families living in the cities and larger towns. This same principle applied to the condition of our schools. In the rich school districts of the cities where there was a great deal of taxable property, the schools for both races were good, even prior to the expanded State school building program in South Carolina. In the poorer districts, usually in the rural areas, both white and Negro schools were less adequate in years past.

The same is generally true of churches and store buildings and many other structures, when compared on the basis of rural against city. In fact, there are extrinsic differences in every individual, and they cannot be made the same by any decree of the Supreme Court or by any act of Congress.

But let me return to the question of how efforts to force integration on the South will be taken.

In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia there has not been and there is no intention that there shall be integration of the races in the public schools. Advocates of this so-called civil-rights bill who believe they can use the weapons in it to force integration should read the newspaper and magazine accounts of the situation. Unanimously they point out the quiet but determined resistance against integration.

I want to read to the Senate an Associated Press dispatch which was published in the newspapers on May 12. This article describes the situation in some detail. The headline, as it appeared in the Charleston News and Courier, was "School Segregation Holds Despite Court Decision."

The following quotation is from this article:

Three years after the 1954 decision of the United States Supreme Court outlawing public-school segregation, the nearly 6 million white and Negro children in 8 Deep South States still are attending racially separated schools.

There has been no break in the traditional pattern of segregation on the secondary public-school level in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

In addition to these eight States, Arkansas, Tennessee, and Texas have all passed resolutions of nullification, interposition or protest against the Court decision. Arkansas enacted two such resolutions.

All of the eight States where the concentration of the Negro population is greatest have taken steps to insure that integration shall not be forced upon them. Here is a summary of their actions as cited by the Associated Press story:

Alabama, where violence flared over admission of a Negro to the University of Alabama and in the Montgomery bus segregation situation, has a freedom-of-choice act under which parents can elect whether to send their children to segregated or integrated schools.

Georgia, North Carolina, and Virginia have set up constitutional and statutory authority to close schools which are forced to integrate and use public funds to pay educational grants for pupils to attend private segregated schools.

Virginia also has adopted a massive resistance program which includes pupil and teacher assignment laws and acts to discourage lawsuits on segregation.

Florida, where the State supreme court order for immediate admission of a Negro to the State university, set up a public school assignment law and increased the Governor's police powers.

Louisiana, by constitutional amendment, requires segregated schools under the State's police power, and authorizes the State board of education to withhold approval of any schools which do not comply.

Mississippi, which is endeavoring to equalize white and Negro school facilities by constitutional amendment, has authorized the legislature to abolish public schools. The State also has passed various laws designed to maintain segregation and discourage litigation.

The constitutional requirement of free public schools was repealed by South Carolina 2 years before the Supreme Court decision, and since then the State has enacted a law denying State funds to any school which is forced to integrate.

Two weeks before the Associated Press article appeared, the Washington Post had published a series of articles by Alfred Friendly, after he had made a tour of the Southern States. His reports also made clear the absolute determination of the people to prevent integration of the races.

One of the series of articles by Mr. Friendly was entitled "Not in This Generation."

I want to quote a part of the first article he wrote. This is the very beginning:

Segregationists in the Deep South have won the first round against racial intermixture in the public schools.

In the almost 3 years since the Supreme Court handed down its historic decision banning segregation by race in the public schools, the South—the reference here and throughout is to the Deep South States—has prevented a single instance of compliance.

More important than this fact, and more important than the State laws and legal procedures which few segregation leaders pretend will be sustained by the courts—the South has built a strong set of obstacles blocking the road to future integration.

The article went on to cite some of the effective ways in which the South has prepared to prevent integration of the races, as well as to show that much progress which had been made in race relations has now been halted by the attempt of integrationists to force racial mixing upon the South.

Further on Mr. Friendly stated that—

Large-scale integration of all southern elementary and high schools seems to almost all observers, northern or southern, as out of the question in the immediate future.

A regional gospel has been established that any Federal attempts to force integration will be met by closing down the public-school system. The farther South you go, the slighter is the action that is deemed to be a forced integration.

I know that what these articles had to say on these points were correct. If the Washington Post writer had been able to find evidences of the people of the South being ready to accept integration of the races, I am sure he would have reported them. The policy of the newspaper is that of urging integration. I do not believe it sent Mr. Friendly to the South to look for resistance, but when he reported what he really found, there was no choice except to state that the people were telling anybody who wanted to hear that it can't be done.

In a survey of the situation only recently, the Saturday Evening Post sent a reporter named John Bartlow Martin to travel through the South for as long as necessary and report the facts about integration, as he found them.

When Mr. Martin had completed his survey, he wrote a series of articles under the general title of "The Deep South Says Never." The title is significant because it states the feeling of the people of South Carolina accurately. I do not believe Mr. Martin erred in his estimate of the views and intentions of the people.

In his article which appeared in the June 22 issue of the Post, Mr. Martin reported on his visit to Summerton, the little town in Clarendon County, S. C., where the school case arose which went to the Supreme Court. The county's population is 71 percent Negro. The ratio in the schools is tremendously greater. There are now 2,360 Negro pupils and 312 white pupils in the Summerton district—or about 8 to 1.

This is what the article said about the condition of the schools:

In 1951, when the State began a school-building program, in part because of the Summerton suit, district No. 1 abandoned the small rural Negro schools, built larger new ones, and today operates only 3 Negro schools and 1 white. The white school is in Summerton; it contains 312 pupils in elementary and high school. The Negro school in Summerton, Scott's Branch, contains 721 Negro elementary pupils and

337 high school pupils. The 2 Negro schools out in the country are St. Paul's Elementary, with 728 pupils, and Spring Hill Elementary, with 574. Since 1951 the district has spent $92,000 in capital investment on the white schools and 10 times as much —$938,000—on the Negro schools. The Negro school buildings today are newer than the white and are at least as good.

Further on the article recites what happened among the people of Summerton after the Supreme Court's decision in 1954. These are the words of Mr. Martin:

One evening not long after the Supreme Court decision, the white citizens of Summerton met "to see what we were going to do." They met in the abandoned grammar school, an ancient stone building, some 200 of them, "most of the white people in the school district." W. B. Davis, Jr., a tall, handsome, black-haired young landowner, spoke strongly in favor of closing the schools forthwith. Indeed, money already was being raised to operate a private school for white children. But Charles N. Plowden, town banker, large landowner, lawyer, former influential member of the general assembly, a keen square-built, forceful man, argued that delay, not defiance, was the proper tactic, for time was on their side: "Let them make us close. If the Court orders us to integrate, we'll close."

When the beginning of the school session came in the fall of 1955, the white people were determined to prevent integration and determined to do so without trouble. There was no trouble, but previously friendly relations between the races became strained and there was little communication between them.

Later that year, a group of white citizens invited a representative group of Negro citizens to a meeting to discuss the situation. Here again are the words of the Saturday Evening Post article:

Plowden recalls, "I told them they can make us close the schools, but they can't make us mix. I told them they've got more to lose than we have. We've got 12 white teachers; they've got 60. They'd all be out of work. They've got 27 bus drivers. They'd be out of work. There wouldn't be any school for their children, but there would be for ours."

The Negroes of Summerton, in spite of the efforts of the outside agitators, did not ask that the schools be integrated. They are operating today according to the pattern of segregation which permits the children of both races to secure an education, but which prevents the intermixing of the races.

I do not want to give the impression that I am attempting to convey to the Senate the views either of the Saturday Evening Post or of its writer. However, the words of Mr. Martin are clear and explicit on the point I am making, that efforts to bring about integration will not be accepted in South Carolina.

The following selected portions of the article illustrate my point. First, a quotation from the Post on what would happen if the Court were to order integration:

That the whites would close the school if ordered by the Court to commence desegregation there can be no doubt. Only because the Court set no deadline was the school board able to keep the schools open. The board had told the three-judge court it would have a study made of the subject. A white strategist has said, "Some didn't even want to study it. They were afraid it might make integration look possible in 500 years, and that's too soon for them." The study was not begun by the end of 1956, a year and a half after it was promised to the court, though preliminary talks had been held with a sociologist. Plowden said awhile back, "We're studying it—and it's going to take a good long time to study."

If force should be attempted by the Court, in an effort to bring about integration of the schools, the people would then "view the closing of the schools as a regrettable necessity," according to the Post writer. Near the end of the article, he used what, to me, is a most significant paragraph to sum up the situation, part of which I shall quote:

Although things are calm on the surface in Summerton, there is a deep inner tension felt by everyone. They pretend that nothing has been changed, but actually nothing will ever be the same, for the relations between the races will never be the same, and that relationship affects all of life.

Mr. President, I wish it were not so, but I would not be truthful if I did not say that I believe Mr. Martin is entirely correct in saying that the relations between the races can never be the same again in South Carolina.

Certainly, relations cannot be the same until the agitation resulting from the Court decision ends and until the Congress adopts a reasonable view of the matter. So long as the propaganda and pressure campaign continues to force integration of the races upon the South, there can never be revival of the former frank and friendly relationship which existed for generations between the white and Negro races.

My people in South Carolina sought to avoid any disruption of the harmony which has existed for generations between the white and the Negro races. The effort by outside agitators to end segregation in the public schools has made it difficult to sustain the long-time harmony.

Except for the troublemakers, I believe our people of both races in South Carolina would have continued to progress harmoniously together. Educational progress in South Carolina has been marked by the construction of more than $200 million worth of fine school buildings in the past 5 years, providing true equality, not only for white and Negro pupils, but also for urban and rural communities.

In the South Carolina school district where the segregation case was instigated, the Negro schools are better than the schools for white children.

While South Carolinians of both races are interested in the education of their children, the agitators who traveled a thousand miles to foment trouble are interested in something else. They are interested in integration, not education.

They may as well recognize that they cannot accomplish racial mixing by a force bill enacted by the Congress any more than they could force integration through the judicial legislation of the Supreme Court.

What the Saturday Evening Post has reported from Summerton is indicative of the firm resolve of the people of the South that they shall not bear the political cross of integration.

I hope the voices that are being raised on behalf of our people will not be voices crying in a wilderness of politics where only the strong shall prevail.

In other countries tyranny has taken the forms of fascism, communism, and autocracy. I do not want to see it foisted on the American people under the alias of "civil rights."

Real civil rights and so-called civil rights should not be confused. Everybody favors human rights. But it is a fraud on the American people to pretend that human rights can long endure without constitutional restraint on the power of Government.

The rightful power of the Federal Government should not be confused with power longed for by those who would destroy the sovereignty of the States.

There have been a number of instances of attempted and actual usurpation of power by the Federal Government, which this pending bill would attempt to legalize, expand, and extend.

I have already discussed the most notorious illustration of usurpation—the 1954 school segregation decision. Since that time there have been several decisions by the Court which I think have waked up people all over the country, who previously paid little attention, or cared little, what the result might be in the school segregation cases.

There is no necessity of going into the details of the Supreme Court decisions to which I refer. Let me simply mention them, and I am sure Senators will need no further explanation. Among others were the Nelson case in Pennsylvania, the Slochower case in New York, the Girard College case, and the Watkins case.

In each there was a question of usurpation of power by the Court in issuing decrees which were more legislative than they were judicial in nature. Each such instance tends more and more to increase the power of the Central Government.

The best illustration of attempted usurpation of the rights of the States by the Congress is the effort now going on in the Senate to enact this so-called civil-rights bill. The real effect of enacting this bill would be to deprive citizens of rights guaranteed in the Constitution.

Wherever a person lives in this country, whatever political faith he holds, whatever he believes in connection with any matter of interest, he has one firm basis for knowing his rights. Those rights are enumerated in the Constitution, and particularly in the Bill of Rights. I believe in that document. I believe that it means exactly what it says, no more and no less.

If American citizens cannot believe in the Constitution, and know that it means exactly what it says, no more and no less, then there is no assurance that our representative form of government will continue in this country.

In his farewell address, Washington declared:

The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories,

and constituting each the guardian of the public weal against invasions of the others has been evinced by experiments ancient and modern; some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution, or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Jefferson, in his first inaugural address, said:

The support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies.

Coming down to our own day and generation, it is peculiarly appropriate to remember the eloquent statement by the late President Franklin D. Roosevelt, who gave this forceful warning:

To bring about government by oligarchy masquerading as democracy, it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever it seems in danger.

I believe that people all over the country are beginning to realize that steps should be taken to preserve the constitutional guaranties which are being infringed upon in many ways.

I believe we should also take steps to regain for the States some of the powers previously lost in unwarranted assaults on the States by the Federal Government.

The administration of laws relating to civil rights is being carried out much more intelligently at the local levels of government than they could ever possibly be administered by edicts handed down from Washington or by injunctions enforced at the points of bayonets. State officials and county officials know the people and know the problems of those people. Most officials of the Federal Government know much less about local problems than do the public officials in the States and in the counties.

Jefferson once observed:

When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.

Jackson, as President, took the most drastic action in the whole of American history to uphold State sovereignty. When the Federal courts held that they had jurisdiction of a private lawsuit against a sovereign State without its consent, Jackson refused to enforce the decision. On the contrary, he brought about the adoption of the 11th amendment to redeclare State sovereignty, which the Founding Fathers thought had already been protected in the Bill of Rights.

If this Nation, the Nation to which the world is looking for leadership, abandons the principles of government that have given us the capacity to lead, if we jettison the compass that has guided us to the port of greatness, then we are headed for the rocks of tyranny and the persecution and cruelties of a supreme central government.

This should not be a sectional or regional matter. Devotion to the Constitution should be as important to the people of Arizona as it is to the people of Alabama, as important to the people of Montana as it is to the people of Mississippi, as important to the people of New York as it is to the people of North Carolina, as important to people yet unborn as to you and me today.

Our American way of constitutional government, and its guaranties of liberty and the right of local government, is a heritage worth fighting for. Our men marched beneath the burning sun in Africa; swam ashore at Salerno; stormed the rocky beach at Normandy; planted the Stars and Stripes on the highest peak of Iwo Jima; and fought again for freedom from Pusan to the Yalu River in barren Korea to uphold and defend the Constitution of the United States.

If this so-called civil rights bill should be approved, then we must anticipate that the Federal Government, having usurped the authority of local government, will send Federal detectives snooping throughout the land.

If there are constitutional proposals here which any of the States wish to enact, I have no objection to that. Every State has the right to deal with any matter which has not been specifically delegated to the Federal Government in the Constitution.

On the other hand, I am firmly opposed to the enactment by Congress of laws in fields where the Congress has no authority, or in fields where there is no necessity for action by the Congress.

From my observations, I have gained the strong feeling that most of the States are performing their police duties well. I believe that the individual States are looking after their own problems in the field of civil rights better than any enactment of this Congress could provide for, and better than any commission appointed by the Chief Executive could do.

What could be accomplished by a Federal law embodying provisions which are already on the statute books of the States that cannot be accomplished by the State laws? I fail to see that any benefit could come from the enactment of Federal laws duplicating State statutes which guarantee the rights of citizens. Certainly the enactment of still other laws not approved by the States could result only in greater unrest than has been created by the recent decisions of the Federal courts.

The truth is very much as Mr. Dooley, the writer-philosopher, stated it many years ago, that the Supreme Court follows the election returns. If he were alive today, I believe Mr. Dooley would note also that the election returns follow the Supreme Court.

I would like to comment specifically on some of the proposals in the bill for which consideration is asked; first, on the proposal for the establishment of a Commission on Civil Rights.

There is absolutely no reason for the establishment of such a commission. The Congress and its committees can perform all of the investigative functions which would come within the sphere of constitutional authority. The States can do the same in matters reserved to them.

Furthermore, there is no justification for an investigation in the field of civil rights.

Among the powers of the proposed Commission are several to which I would call attention. It would have the power of subpena for witnesses, meaning that citizens could be summoned away from their homes to answer the questions of a Federal bureaucrat on matters which are rightfully controlled by the States. If a citizen objected to testifying in executive session, as the Commission would be authorized to meet, he would be subject to being forced to do so by a court order. Otherwise, he could be held in contempt.

The political nature of the Commission, and the entire bill as well, is rather bluntly pointed up by two of its provisions. One provides that the Commission "may accept and utilize services of voluntary and uncompensated personnel" in the work of the Commission. Another provision authorizes the Commission, or a subcommittee, "at least one of whom shall be of each major political party," to hold hearings.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MORSE. Who would appoint the Commission?

Mr. THURMOND. I presume the Senator has read the civil-rights bill, which provides for the appointment of the Commission. Does the Senator not know, from a reading of the bill, who would appoint the Commission?

Mr. MORSE. I wish to make a legislative record, because I desire to ask the Senator a few questions about the activities of the Commission. I feel that some amendments to the bill are needed in respect to the Commission, for reasons the Senator will understand from the questions I ask him.

Mr. THURMOND. The bill provides that the members of the Commission shall be appointed by the President.

Mr. MORSE. That is correct. Is there any limitation of any kind in this bill as to where the Commission shall hold its hearings and when it shall hold its hearings?

Mr. THURMOND. I do not believe the bill provides any place for the hearings or any time for the hearings.

Mr. MORSE. Could we describe the jurisdiction of the Commission as the jurisdiction of a so-called "roving Commission"?

Mr. THURMOND. I think it might be described in those terms.

Mr. MORSE. Does the Senator from South Carolina think that there might be some inherent procedural abuses in the Commission setup, as now provided by the bill, in that the Commission might find it convenient to hold hearings, we will say, 30 days or 2 weeks before an election in any part of the country where it might want to hold hearings, if for some partisan consideration it might be thought to be to the political advantage of any administration then in power to hold such hearings?

Mr. THURMOND. I think that could be the case.

Mr. MORSE. Does the Senator from South Carolina agree with me that unless there is greater clarification with regard to the Commission, the procedure of the Commission as authorized in this bill might lead to some very serious political abuses?

Mr. THURMOND. I think it could very easily lead to serious political abuses that might be used in ways to accomplish political ends which could not be accomplished otherwise.

Mr. MORSE. Does the Senator from South Carolina share my view, as a lawyer, that when we are enacting legislation which provides for procedures which might be subjected to abuses unless we place adequate checks in the legislation to prevent such abuses, it is our duty to write checks into the legislation?

Mr. THURMOND. The Senator from South Carolina agrees.

Mr. President, the bill provides further that "not more than three of the members shall at any time be of the same political party."

The only persons who would be willing to serve voluntarily and uncompensated in such work as that planned by the proponents of this Commission would be partisans seeking to impose their sociological and psychological theories on others. They would be the fanatics who sought harsher measures to accomplish their purpose of forcing the mixing of the races. Doubtless the Commission could secure more than enough such volunteers to carry on its work from the ranks of the NAACP, the ADA and organizations of such ilk.

Although there are some agencies of the Federal Government which are constituted by laws requiring membership from the two major political parties, there should be no necessity for such a requirement in the proposed Commission—unless its reason for being is political.

My view is there could be no other cause for such a Commission except the cause of politics.

Part II of the bill would provide for an additional Assistant Attorney General. I have searched the testimony given by the Attorney General before the committees of the Congress with regard to this proposal, and I have found no valid reason why an additional Assistant Attorney General is needed in the Justice Department.

I can understand how an additional Attorney General might be needed if the Congress were to enact part III of the so-called civil rights bill.

If the Justice Department were permitted to go into the various States to stir up and agitate persons to seek injunctions against their neighbors, then the Attorney General might need another assistant.

In fact the Justice Department could stir up its own trouble if this bill should be approved, because it would no longer be required that a party in interest sign a complaint in the civil actions contemplated. The Justice Department could instigate its own civil cases on behalf of a person who might even object to such action.

Certainly the Justice Department would need not only another Assistant Attorney General, if this bill should be approved, but also the assistance of the military forces, the use of which also is contemplated under this bill.

But, Mr. President, in the words of homey philosophy which I have heard all my life: "You can lead a horse to water, but you can't make him drink."

You can legislate and you can decree, but you can never make the people of the South give up their personal freedom even by the use of force.

Part III also would empower the Federal district courts to take original jurisdiction in suits or injunctions started under this bill. This would bypass the administrative remedies established under State laws and circumvent the authority of the State courts.

The most vicious device in this part of the bill is the design to deny citizens the right to trial by jury by entering a civil action against persons who should be prosecuted on a criminal charge, if they have committed any violation of the laws which protect the civil rights of every citizen. This provision of the bill would establish power for the Justice Department to secure injunctions to restrain persons the Department believed to be "about to engage in any acts or practices" in violation of civil rights statutes. How anybody could determine what might be in the mind and heart of a person is beyond my comprehension. In simple terms this provisions appears to mean that completely innocent persons could be brought before a Federal judge and jailed without a jury trial for contempt of an order issued by the judge.

I shall later discuss the principle of trial by jury at some length, but at the moment I want to point out the extreme power which would be granted to the Attorney General by enactment of this part of the bill.

He could dispatch his agents throughout the land. They would have the authority to meddle with private business, police elections of the States, intervene in what should be private lawsuits, and breed litigation generally. They would keep our people in a constant state of apprehension and harassment. Liberty perishes quickly under such government, as we have seen it perish in foreign nations.

Congress, as the directly elected representatives of the people, should be the last to give any hearing to measures to deprive the people of their freedom. But if this proposal to provide the Attorney General with tyrannical power should be taken up and enacted, the people would truly be deprived of rights long held dear.

The bypassing of State administrative agencies and the courts of the States is another matter we should consider most seriously. This could easily be the first step toward eventual elimination of the courts of the States. If they were to be bypassed in civil rights cases, they could also be bypassed in other types of cases.

I do not believe the Congress has, or should want, the power to strip our State courts of authority and vest total power in the Federal judiciary.

Every step along the road toward greater centralization of government is a step away from the constitutional principles upon which this Nation was founded.

We must not forget the words of Lord Acton that—

> Power tends to corrupt; absolute power corrupts absolutely.

Thus the more power placed in the Justice Department, the greater likelihood there will be that justice will be abused instead of served.

I now proceed to part IV of the bill. Although the bill has been advertised by its advocates as a right-to-vote measure, the need for legislation on this subject is so unnecessary as to make that claim ridiculous.

I have had a search made of the laws of all the 48 States; and I found that the right to vote is protected in each one.

In South Carolina, my own State, the constitution specifies in article III, section 5, that the general assembly shall provide by law for crimes against the election laws and, further, for right of appeal to the State supreme court for any person denied registration.

The South Carolina election statute spells out the right of appeal to the State supreme court. It also requires a special session of the court if no session is scheduled between the time of an appeal and the next election.

Article II, section 15, of South Carolina's constitution, provides that no power, civil or military, shall at any time prevent the free exercise of the right of suffrage in the State.

In pursuance of the constitutional provisions, the South Carolina General Assembly has passed laws to punish anyone who shall threaten, mistreat, or abuse any voter with a view to control or intimidate him in the free exercise of his right of suffrage. Anyone who violates any of the provisions in regard to general, special, or primary elections is subject to a fine and/or imprisonment.

Under the proposed Federal law to "protect the right to vote," a person could be prosecuted or an injunction obtained against him based on surmise as to what he might be about to do. This is the same perverted use of the civil-court injunction as in part III of the bill, designed for the purpose of denying trial by jury to persons charged with having engaged in such an act or those whom a Federal official accuses of being about to violate the voting laws.

We have heard many claims that this provision is needed because some persons

are prevented from voting by other persons. But I do not know of a single case having arisen in South Carolina in which a potential voter charged that he had been deprived of his right to cast his ballot. Had such an instance taken place, I am sure that the person making the charge would have been given justice in the courts of South Carolina.

The Federal Government has no monopoly in the administration of justice.

Both white and Negro citizens who meet the requirements of South Carolina's voting laws exercise their franchise freely. Our requirements are not stringent. The payment of a poll tax is not a prerequisite to voting.

When I was Governor of South Carolina, I recommended that the poll tax be removed as a prerequisite to voting, the people of the State voted favorably, and it was removed. It is simple to meet the requirements of registration because re-registration is necessary only once in 10 years.

Proof that Negroes vote in substantial numbers in South Carolina—if proof is desired—can be found in an article which was published in a Columbia, S. C., newspaper following the general election in 1952.

The November 8, 1952, issue of the Lighthouse and Informer, a newspaper published by and for Negroes, carried an analysis of the election in South Carolina. A story which appeared on page 1 read as follows:

> There was no doubting that South Carolina's Negro voters were the only reason the State managed to return to the Democratic column.
>
> Late figures Wednesday afternoon gave Governor Adlai Stevenson 165,000 votes and Gen. Dwight D. Eisenhower 154,000. Some 9,000 other votes were cast for the Republican Party for General Eisenhower but cannot be added to the 154,000 cast by South Carolinians for Eisenhower.
>
> The more than 330,000 votes counted in 1,426 of the State's 1,563 precincts represented the largest cast in the State since Reconstruction days.
>
> Estimates placed the Negro votes at between 60,000 and 80,000 who actually voted.

Those are the words of the Negro newspaper, not mine. I have no doubt that the Negro vote in the 1952 general election and the one in 1956 was heavy in South Carolina. The reports which came to me indicated a large turnout.

A dispatch of the United Press from Columbia, S. C., on November 6, 1952, fully supported the claim of the Lighthouse and Informer as to the impact of Negro voting in South Carolina. It said in part:

> Stevenson won South Carolina by less than 12,000 votes, and the Negro electorate held the balance of power in the State.

I think it is significant that even though, as the newspaper article said, the vote in 1952 was the largest cast since Reconstruction, the Negroes claimed up to 80,000 voters—a fourth of the total. Certainly this is clear evidence that a new Federal law is not needed to guarantee anybody the right to vote in South Carolina.

Mr. President, I oppose absolutely the consideration of this bill, H. R. 6127. It is completely unnecessary and in many respects unconstitutional in its objectives. The people of the United States should not be deceived.

No explanation can alter the fact that it is specifically designed as a "force bill." The result of its enactment would be to deprive the people of rights guaranteed in the Constitution and in the Bill of Rights, not to strengthen the rights of the individual.

The infringement of rights would be accomplished by denying the right of trial by jury to persons charged with violating—or being about to violate—the provisions of the bill by failure to comply with an order or injunction issued pursuant to the bill. A person accused of contempt under such circumstances should be guaranteed a jury trial in a criminal proceeding. But the advocates of this bill propose to destroy the constitutional guaranty of trial by jury through the expedient of a corrupted use of injunctions issued by Federal judges.

Mr. President, there can be no question as to the power of a court to punish a contempt committed in the presence of the court or so near thereto as to obstruct justice. Such authority must be vested in the courts to maintain respect for the administration of justice. From earliest times, the common-law courts have had the power to punish contempts done in their presence.

The contempt procedure was gradually refined, and a difference arose between principles which apply on abusing a process server and libeling a court. In his review of the King against Almon, Arthur Underhill states that Hale in his Pleas of the Crown cites an instance "of a man attached by bill to answer to the King and a party for an assault committed on the plaintiff when he came to prosecute a suit in the King's Bench and attachment by bill to bring the defendant before the court where the question was tried in the ordinary course of law. It would seem that in early times contemptuous conduct on the service of process was punished after conviction by a jury and not by summary procedure."

Even in instances of contempts being committed in the face of the court, there is some evidence that the accused was accorded the right to trial by jury.

Holdsworth, in his History of the English Law, states that Littleton and Selden justified the use of summary process when contempt was committed before the court on the basis that "the very view of the court is a conviction in law."

However, he went on to state that:

> * * * All through the medieval period and long afterward, the courts, though they might attach persons who were guilty of contempts of court, could not punish them summarily. Unless they confessed their guilt, they must be regularly indicted and convicted.

John Charles Fox, in an article in the Law Quarterly in 1909 entitled "The Summary Process To Punish Contempt," expressed the view that the common-law courts followed a custom "perhaps down to the 18th century" of never summarily punishing contempts committed out of the presence of the court.

Contempt procedures established in courts of equity developed somewhat differently because of the impersonal nature of the chancery in England. There were two main grounds on which a person might find himself in prison for contempt, according to The English Legal System by Radcliffe and Cross. They were neglecting a subpena and failure to comply with a court order, such as to do some act, to pay money into court, or execute some document, and so forth.

Contempt procedures were brought into the processes of the common-law courts, after first having been established in the chancery. Holdsworth cites two factors which contributed to this development.

He points out that, after the abolition of the Star Chamber and the jurisdiction of the council in England in 1641, the King's Bench assumed this jurisdiction, and with it authority from the preceding bodies to punish contempts. At the same time, there began a gradual enlargement of the power of the court to convict and punish summarily without an indictment or the verdict of a jury.

Yet, Fox, in his article on the King v. Almon, asserted that he could not find an instance of a proceeding for contempt other than by indictment, information or action at law earlier than 1720. King v. Almon is considered the fountainhead case for the concept in England that contempts are triable without a jury.

Actually, the judgment in this case was never officially handed down. Still more important is the fact that, although the case was heard in 1765—just 10 years before America broke away from England—the case did not become precedent in England until 1844, more than a half century after the United States Constitution had been adopted.

In the light of the historical background cited, it is significant that our Constitution and Bill of Rights spelled out their guaranties of trial by jury in spite of the Engish custom. Knowing of the summary proceedings of the Star Chamber, and the courts which assumed the jurisdiction of the Star Chamber, we can be sure the Founding Fathers intended to protect their descendants from similar maltreatment. Unfortunately, they could not anticipate the crafty purpose of this bill and specifically exclude its provisions from enactment.

When Congress enacted the Norris-La Guardia Act in 1932, it specified that, "in all cases arising under this Act in which persons shall be charged with contempt of a court," the persons so charged would have the right to trial by jury. Since the Norris-La Guardia Act dealt with the powers of Federal courts to issue injunctions in labor dispute cases, the effect of the act was to guarantee trial by jury when a person was charged with contempt of an injunction growing out of a labor dispute.

Section 11 of the Norris-La Guardia Act, which contained this protection, was repealed in 1948 and superseded by what is now title 18, section 3692 of the United States Code.

This section reads as follows:

> In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a

labor dispute, the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

Under the present Federal law, other citizens do not have the same protection as labor under the statutes. Title 18, section 401 of the Code gives the Federal courts power to punish at their discretion, not only contempts in the presence of the courts and contempts of court officers, but also:

Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

Note carefully that what this means is that one segment of our people has already been extended the statutory protection of jury trial in contempt cases, while all other citizens are excluded and are subject to the summary action of the Federal courts.

Let us recall that under the provisions of parts III and IV of the bill pending on the Senate Calendar, the Attorney General is authorized to "institute for the United States, or in the name of the United States" civil action "or other proper proceeding" in so-called civil rights cases and voting cases. One of the purposes of this provision is to use it in conjunction with section 3691 of title 18 of the code.

Section 3691, combined with the provisons of the bill, would constitute another method of denying the right of trial by jury in the actions contemplated by the Attorney General. This section provides that the right of trial by jury shall not apply in contempts when the action is "brought or prosecuted in the name of, or on behalf of, the United States."

Mr. President, I am sure that few American citizens realize that such existing provisions of the laws have infringed on their constitutional right to trial by jury. I am sure also that few have fully realized, as yet, that the combination of existing laws with the provisions of the so-called civil rights bill would further limit jury trials.

Under our laws, a person charged with the most heinous crime is entitled to trial by jury. Surely there is not a majority of this Senate who would deny the same right to a citizen charged with violating an injunction.

The validity of injunctions is subject to dispute, and I cannot see any reasonable grounds for the claim to be made that justice would be best served by the denial of trial by jury in contempts arising out of injunctive proceedings.

The people of this country believe in constitutional government. I believe they want it strengthened instead of weakened.

I believe that a majority of the people of this Nation strongly support the provision of the law providing for trial by jury in contempt cases arising out of labor disputes. Certainly they would also support the extension of this provision so as not to discriminate against persons charged with contempt in cases other than labor disputes, and to provide for trial by jury to everybody.

The senior Senator from Illinois [Mr. DOUGLAS], who strongly advocates the consideration and passage of H. R. 6127, the so-called civil rights bill, was just as strong an advocate in 1932 of protecting persons from contempt action in labor dispute cases.

In a book entitled, The Coming of a New Party, published in 1932 and dedicated to Norman Thomas, the Senator decried contempt actions without trial by jury in labor cases.

On page 42 of the book, he wrote:

This weighting of the scales against labor manifests itself in myriad ways. According to the present status of labor law not only can an employer require a worker, as a condition of receiving or keeping employment, to sign a "yellow dog" contract whereby the latter agrees neither to join a union nor to talk with those who may seek to induce him to join, but any statute prohibiting such a contract is treated as unconstitutional. In the opinion of our courts such laws violate the 14th amendment by limiting the power of an employer to fix the terms upon which the employment of a worker will be acceptable to him. Nor is this all. The employer is then permitted to obtain an injunction restraining the unions from approaching the workers who have signed such a contract and from attempting to organize them. If they try to do so, they are liable for contempt of court and their officials can accordingly be sentenced to jail, without a jury trial, by the judge who issued the original order.

Mr. President, I hope the Senator from Illinois will apply the same eloquence to a plea on behalf of all our citizens. His words, "sentenced to jail, without a jury trial, by the judge who issued the original order," are just as important today as when he wrote them 25 years ago. The principle involved is the same. Situations may change, but principles remain immutable. Time does not alter the moral law.

During recent years, all of us have heard much of the difficulty of clearing court dockets and of the congestion of the dockets because of this difficulty. On May 9 of this year, Justice Brennan, recently appointed to the Supreme Court, addressed the Mountain and Plain Regional Meeting of the American Bar Association in Denver, Colo., and discussed this point of calendar congestion.

I believe some of his remarks will be of interest as we seek more light on the subject of trial by jury. These are the words of Justice Brennan:

Another nostrum is that, because jury trials take more time than trials before a judge without a jury, the easy answer to calendar congestion is to get rid of jury trials in automobile accident cases.

The success of our British brothers in abolishing jury trials should not mislead us. American tradition has given the right to trial by jury a special place in public esteem that causes Americans generally to speak out in wrath at any suggestion to deprive them of it. One has only to remember that it is still true in many States that so highly is the jury function prized, that judges are forbidden to comment on the evidence and even to instruct the jury except as the parties request instructions. The jury is a symbol to Americans that they are bosses of their Government. They pay the price, and willingly, of the imperfections, inefficiencies and, if you please, greater expense of jury trials because they put such store upon the jury system as a guaranty of their liberties.

Those are the words of Justice Brennan of the Supreme Court.

Surely the Congress which is elected directly by the people, and so close to them, realizes the validity and the strength of the theme propounded by Justice Brennan on behalf of jury trial.

Remove its protection and you have made liberty less secure. Little by little freedom will dwindle away, if we fail to be vigilant.

In the decision of June 10 in Reid against Covert, the Supreme Court itself made certain comments on the matter of trial by jury. Although the case under consideration was not similar to those which might arise under the provisions of the so-called civil rights bill, yet certain comments of the Court should be of interest.

The opinion included the following:

Trial by jury in a court of law and in accordance with traditional modes of procedure after an indictment by grand jury has served and remains one of our most vital barriers to governmental arbitrariness. These elemental procedural safeguards were imbedded in our Constitution to secure their inviolateness and sanctity against the passing demands of expediency or convenience.

And further:

If * * * the Government can no longer satisfactorily operate within the bounds laid down by the Constitution, that instrument can be amended by the method which it prescribes. But we have no authority to read exceptions into it which are not there.

Mr. President, no wiser words have been spoken by the Court in several years. Expediency or convenience should never be the reason for the enactment of a new law by Congress. The actions of expediency are most often the actions of regret.

Wisely, too, the Court warns against trying to amend the Constitution except "by the method which it prescribes," a rule I wish the Court itself had followed more faithfully. Nevertheless, the fact that this principle has not always been adhered to in the past in no way alters its validity.

If the proponents of the so-called civil rights bill want to deny the right of trial by jury to American citizens, they should proclaim their true objective and seek to remove this guaranty from the Constitution. Then the people of this Nation would not be misled, as some have been, to think that the bill would give birth to a "right to vote" for anybody—a right already held by those it purports to help.

On March 27 the senior Senator from Mississippi [Mr. EASTLAND], the senior Senator from Virginia [Mr. BYRD], and I introduced a bill, on which I joined him as a cosponsor, to insure the right of trial by jury for persons charged with contempt of court. This bill would simply provide the same protection to every citizen as that now held by persons charged with contempt in labor disputes.

If the purpose of the so-called civil rights bill were really to give greater protection to individual citizens, as is claimed, then why have the sponsors refused to include the additional protection of the right of trial by jury? I believe the answer to that question is obvious.

The sponsors find it hard to reconcile themselves to modifying this force bill with any protective element.

To me it is strange that some of those who could support the enactment of laws to protect persons engaged in labor disputes cannot find it in their hearts to extend the same sympathy and protection to other Americans.

Even an amendment to guarantee the right of trial by jury would never make this so-called civil rights measure remotely acceptable to me, but it is not necessary to pass this bill to end the present discrimination in the matter of jury trials. The Judiciary Committee could quickly report the separate bill on jury trial in contempt cases, if there is a great desire in this Senate today to enact a real civil rights bill which is within the constitutional power of Congress.

Mr. President, I regret that there appears to be little interest in protecting the right of trial by jury. This was a right so precious to our forefathers that they wrote three provisions into the Constitution and the Bill of Rights embodying the principle.

I have tried here today to express the views, not only of myself, but of the people I, in part, represent. I have tried to explain some of the reasons for our customs and traditions which are different from those of other States.

Also, I have tried to convey the convictions of my people and the determination which possesses their very souls. They have not been confused by the provisions of this so-called civil rights bill, which I hope will not be forced up for consideration by the Senate. The people of my State fully realize the terrible authority with which this bill would endow the Attorney General, the district attorneys, the Federal marshals, and the Federal courts.

My people do not intend to submit meekly to what they know to be unnecessary and unconstitutional. They are fearful that freedom will vanish and liberty perish when such power is vested in the officials of a government distant from them and remote in its understanding of their problems.

Profound human emotions are bound up in this entire matter. Traditions, customs, and mores cannot be resolved by political agitation, by court fiat, or by force of law.

Alleged urgency of action affords no justification for the results sought by the sponsors of this proposed legislation. Understanding should replace urgency in this matter.

Mr. President, the worst argument that can be used in favor of this bill is that the end will justify the means. Already the unusual application of a Senate rule has been made, in order to have the bill placed on the calendar of the Senate, instead of being referred to a committee. Doubtless other similar shortcuts are being contemplated by the sponsors.

But, while they know the means they intend to use in seeking passage of the bill, the sponsors have no conception of what the end will be if they should be successful in their efforts. I hope, Mr. President, we shall never have to face the evil day of reaping the harvest from the seeds of H. R. 6127, or any of its counterparts.

Mr. President, I urge against the consideration of this bill. I urge against bringing upon the people of this Nation the results which would be sure to ensue.

Mr. President, in closing, I wish to express my deep appreciation to all the Senators from the South and from other parts of the country who realize the dangers of the provisions of the bill. I wish to express my sincere gratitude to our able and distinguished leader, the senior Senator from Georgia [Mr. RUSSELL]. He has made a magnificent fight in connection with this matter.

I also wish to express my appreciation to another outstanding Senator, who possibly has done more than any other—a man who prepared masterful minority views, and who has rendered magnificent service in calling the attention of the people of the Nation to the dangers involved in the bill; I refer to the distinguished senior Senator from North Carolina [Mr. ERVIN].

Mr. President, I hope the Senate will study the bill, and that the people of these United States will realize the hazards and the dangers involved in the bill, and that sufficient public sentiment will be created to destroy and terminate the bill before it can come before the Senate for a vote.

Mr. ERVIN. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield.

Mr. ERVIN. Mr. President, I wish to thank the distinguished junior Senator from South Carolina for his generous remarks concerning me; and I desire to compliment him on the eloquent speech he has made. He has pointed out some of the curious things about the bill.

In my opinion, one of the most curious things about the entire bill is that the man who is the foremost proponent of the bill, the Attorney General of the United States, is the one who asks that all of these enormous powers be reposed in him, and who, incidentally, is the only Cabinet officer in the history of the United States who has ever questioned the authority of a Congressional committee to ask him questions about a bill which he has asked the Congress to pass.

Mr. THURMOND. I thank the Senator from North Carolina very much, indeed.

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield to the distinguished junior Senator from Georgia.

Mr. TALMADGE. Mr. President, I wish to compliment the distinguished junior Senator from South Carolina on his very able speech.

He has had a very distinguished career of public service, as county school superintendent of his home county, as a member of the General Assembly of South Carolina, as Governor of his State, as a combat veteran in World War II—who, incidentally was wounded on the shores of Normandy, in the service of his country, and was decorated therefor, and now as United States Senator. In all that long and outstanding service to his country, the junior Senator from South Carolina has never performed a greater service than he did tonight on the floor of the Senate, when he demonstrated in a most able and forceful way—outstanding lawyer that he is; and he has been a judge in his home State—how the bill will actually, instead of being of benefit to the people of the United States, take away from the people their civil rights which have been a part of our Anglo-Saxon system of jurisprudence since 1215, when Magna Carta was wrested from a tyrant in Great Britain.

So I sincerely thank the distinguished junior Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the Senator from Georgia very much for his very kind remarks.

Mr. President, I yield the floor.

ANNOUNCEMENT AS TO PROGRAM TOMORROW

Mr. JOHNSON of Texas. Mr. President, I desire to announce, for the information of the Senate, that, under the order previously entered, the Senate will convene tomorrow morning at 10:30; and we expect the Senate to remain in session until late in the evening—until 9, 9:30, or 10 p. m.

ADDITIONAL BILL INTRODUCED

Mr. MANSFIELD (for himself and Mr. MURRAY) (by request), by unanimous consent, introduced a bill (S. 2530) to designate the beneficiary of the equitable title to land purchased by the United States and added to the Rocky Boy's Indian Reservation, Mont., which was read twice by its title and referred to the Committee on Interior and Insular Affairs.

CIVIL RIGHTS—AMENDMENTS

Mr. JOHNSTON of South Carolina submitted amendments, intended to be proposed by him to the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, which were ordered to lie on the table and to be printed.

RECESS TO TOMORROW AT 10:30 A. M.

Mr. JOHNSON of Texas. Mr. President, if there are no other Senators who desire to address the Senate at this time, I now move that the Senate stand in recess until tomorrow.

The motion was agreed to; and (at 10 o'clock and 6 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Friday, July 12, 1957, at 10:30 a. m.

NOMINATION

Executive nomination received by the Senate July 11 (legislative day of July 8), 1957:

DIPLOMATIC AND FOREIGN SERVICE

Walter C. Ploeser, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

CONFIRMATION

Executive nomination confirmed by the Senate July 11 (legislative day of July 8), 1957:

DIPLOMATIC AND FOREIGN SERVICE

The nomination of Hervé L'Heureux, of New Hampshire, a Foreign Service officer, for promotion from class 1 to the class of career minister, was confirmed, posthumously, death having occurred after the nomination was reported.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 11, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou God of infallible wisdom and understanding, inspire us during these strange and strenuous days with a renewed assurance of Thy love and care.

We humbly acknowledge that all our plans and labors for the building of a finer social order will be futile and fruitless unless Thou dost guide us with Thy spirit and gird us with Thy power.

Grant that the Members of the Congress may be blessed with great capacities for leadership and abilities to surmount successfully the many difficulties which are daily confronting them.

May we never be cowardly when we must be courageous, never confused when we should be calm, and never fearful when we ought to be strong in faith.

In Christ's name we offer our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF PROCEEDINGS

The SPEAKER. The Chair suggests that the proceedings had up to this time be placed in the RECORD after the reception of the Prime Minister of Pakistan; and, without objection, it is so ordered.

There was no objection.

COMMITTEE OF ESCORT

The SPEAKER. The Chair appoints as members of the committee to escort into the Chamber the Prime Minister of Pakistan the gentleman from Massachusetts [Mr. MCCORMACK], the gentleman from Massachusetts [Mr. MARTIN], the gentleman from Illinois [Mr. GORDON], and the gentleman from Illinois [Mr. CHIPERFIELD].

The Chair declares the House in recess at this time subject to the call of the Chair.

RECESS

Accordingly (at 12 o'clock and 8 minutes p. m.) the House stood in recess, subject to the call of the Chair.

VISIT OF HIS EXCELLENCY HUSSEYN SHAHEED SUHRAWARDY, PRIME MINISTER OF PAKISTAN

During the recess the following occurred:

The Doorkeeper (at 12 o'clock and 30 minutes p. m.) announced His Excellency Husseyn Shaheed Suhrawardy, Prime Minister of Pakistan.

The Prime Minister of Pakistan, escorted by the committee of Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the House of Representatives, I deem it a great pleasure and a real honor to have the privilege of presenting to you the representative of a great and a free people, a people who are friendly to the people of the United States and with whom we are on friendly terms. It is my privilege and pleasure, let me say it again, to present to you the Prime Minister of the Republic of Pakistan. [Applause, the Members rising.]

The PRIME MINISTER. Mr. Speaker and distinguished Members of the House of Representatives, for the second time in 10 years it has been the privilege of a representative from Pakistan in the person of its Prime Minister to stand before you to convey to you the warm greetings and felicitations of the 80 million people of Pakistan. [Applause.]

It is not without emotion, Mr. Speaker, that I address this House in this temple of freedom which is consecrated to the practice of democracy and the promotion of the inalienable rights of men and of nations. When I see those honorable Members around me whose decisions have such a tremendous impact on the fate not only of the nations but also on the fate of the world, I feel that I am presuming to address the House which has such infinite power and potentialities. It is indeed a privilege for my country that we may consider ourselves your allies in the great adventure upon which you have embarked; namely, the adventure of establishing in this world the rights of the individual in opposing all measures that tend to trample that spirit in humanity which seeks constant evolution and expression in this great adventure of maintaining and promoting peace. [Applause.]

Were it not for your endeavors, were it not for the fact that you are the bulwark of democracy and of peace, possibly by this time the world would have been shaken and shattered. I recall the time when you, and you alone, were the possessors of that destructive force; namely, the atomic bomb. I recall the time when, if you had desired to conquer all the nations of the world through the means, the powerful means, in your hands, you could have done so; but it was your moral strength that not only did you restrain yourself, but also you showed to the world that peace was safe in your hands, that you believed in the rights and privileges of the human race. [Applause.]

If today there is danger, if today the nations of the world are fearful of passing events, it is not because you have developed the nuclear weapons, but because other countries also possess the same, other countries which possibly do not feel that sense of responsibility toward humanity that you have shown by your acts.

Therefore Pakistan deems it a privilege to be alined with a country that has shown the way to such high moral principles.

We are, indeed, in the midst of revolutionary changes. What went by the name of European colonialism is fast receding. The countries of Asia have one by one gained their independence. The countries of Africa are following suit; but while this nature of colonialism and imperialism is on the decline, there is another far worse new colonialism and imperialism which is arising, which maintains that it has the power and the privilege by force to keep subservient nations under its control, a theory which spells enslavement of peoples for all time to come. This is the danger that is there before the world; this is the danger which you have recognized; this is the danger into which you have thrown all your weight against the Communist powers. [Applause.] And it is for this reason that you stand today as the champions of the free world. It is for this reason that the nations of the world are looking to you in their attempts to escape thralldom. They are looking to you for support and for guidance, and you, your country, indeed, has risen to the occasion.

Do you realize, Members of the House of Representatives, how many peoples of the world today you are assisting to find their feet? Through your assistance country after country has been reconstructed; and on behalf possibly of those countries to whom you are offering your assistance not only do I render their thanks and their gratitude, but also I would ask you to consider that you are proceeding along the right lines, along moral lines, in raising the standards of those who under modern conditions cannot help themselves. It is a great and a new philosophy that you have embarked upon, the philosophy that all nations of the world must develop, that all nations of the world must be happy, that it should not be the privilege of only the few to be ahead in the race of happiness, but everyone must share in the resources that the world can offer. It is a new philosophy that you have embarked upon, namely that exploitation must cease, that it is not the privilege of some of the fortunate countries to take advantage of those countries less fortunate and less developed. And to you, and to your people and to your country goes this credit that while you are helping so many nations of the world, you have not asked for any returns. It is this which affects us more than anything else. We give you our thanks spontaneously. You have not asked for them. You have adopted the high moral role of assisting without asking for any return and that is certainly pointing a way to the other nations of the world. Fortunately we now see that there are many other nations who have banded together to help the underdeveloped countries.

You have undertaken also certain international obligations and the part of the world from which I come, a corner of the Middle East, is grateful to you and to your great President for the words of hope that he has given that this country will attempt to maintain the territorial integrity and political sovereignty of the

countries of that area and will come to their assistance in the case of aggression from any quarter, and chiefly if that aggression is from the Communist side or is Communist inspired. That has produced stability in that region. It has given hope to the people now to progress. They can now devote their energies to the task of reconstruction and, it is, indeed, a matter of congratulation for my country, which is a member of the Baghdad Pact, that your country is associating itself in many of its important committees, the counter-subversion committee, the economic committee and the military committee.

In Southeast Asia, as we all know, there are possibilities of trouble. There also through the SEATO pact, we are allied in a common cause. Pakistan enjoys a particularly peculiar privilege. On the one side about 1200 to 1500 miles of foreign territory separate our two wings. On the other hand it faces the West. It faces and is allied to those countries and the allied countries. It faces the East and through the SEATO pact it is allied to those countries that think alike with us in their way of life.

It is, therefore, a matter of great happiness to us that we were able to contribute in a small measure in accordance with our ability to the preservation of peace and to the promotion of individual liberty. [Applause.]

Recently we have adopted a new constitution, and I am determined that there will be a general election, and a fair and free election, at the earliest possible opportunity which the mechanics of the election has placed at between March and April 1958.

It is difficult to exaggerate the debt which modern constitutions owe to your pioneer achievements in evolving the Federal system of government to meet the requirements and the necessities of divergent interests and to create, as you have created, a unity in diversity. Your Declaration of Independence, your Bill of Rights, the laws which you have framed, find a place in our Constitution. We have derived inspiration from them. [Applause.]

I was speaking the other day—I hope you will pardon me if I make a personal observation—as to what it is which I, a foreigner, feels most as regards your country. What is it that we know of most? What is it that we consider to be the greatest thing which your country has produced? And that is—and we shall never forget it—the immortal words of Abraham Lincoln, which will go down for all time as words which no one, unless he was inspired by the Almighty, could have produced. It is something of a guide to the world, which ever since he uttered them has been the greatest force for peace, for happiness, for the rights of the individual that have ever been uttered by mortal man. A country that has produced a leader of that type, a country that has produced leaders like George Washington or Jefferson, cannot be a country which can ever betray its past.

May I, before I take my leave, offer my congratulations that your country has produced men of that type, who have given you an ideal which you so faithfully follow.

I wish to thank you, Mr. Speaker, and ladies and gentlemen of the House of Representatives, for giving me this opportunity to speak to you, and once more to convey to you the cordial good wishes of my country. [Applause.]

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 25 minutes p. m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess may be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONGRATULATORY MESSAGE OF THE REPUBLIC OF PARAGUAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to include at this point in the RECORD a congratulatory message from the President, House of Representatives of the Republic of Paraguay, to the Congress of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The message referred to follows:

ASUNCIÓN [PARAGUAY], *July 6.*

To the United States Congress, Washington, D. C.:

On the occasion of the celebration by [our] sister republic, the United States of America, of another anniversary of its glorious political emancipation [independence], the House of Representatives shares jubilantly in [celebrating] that important date and formulates its best wishes for the prosperity and greatness of the great country of [George] Washington.

Dr. EVARISTO ZACARIAS ARZA,
President, House of Representatives, Republic of Paraguay.

COMMITTEE ON RULES

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

THE SWISS WATCH INDUSTRY

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Speaker, in light of the fact that the Commerce Department has been quoted in the press as stating it is unaware of any employee who visited Switzerland and attempted to pressure the Swiss watch industry into the adoption of voluntary quotas on exports to the United States. I have today written to Mr. Sinclair Weeks, Secretary of Commerce, giving the name and title of the official involved, confirming identical information given by me yesterday by telephone to Assistant Secretary of Commerce, Frederick H. Mueller. Because this official has for many years been closely identified with the Commerce Department's interest in watch matters, I was surprised to learn that the Department stated it had no knowledge of the case. However, I hope that today's letter to the Secretary will clarify any possible misconception.

In my public statements, I have consistently refrained from identifying this Commerce Department official by name because it has not been, and is not now, my purpose to single out any individual for criticism. Rather, what has concerned me is the fact that the Commerce Department appears to have been attempting to exert an undue protectionist influence in the current consideration by the executive branch of the alleged defense essentiality of the domestic watch-manufacturing industry, and has been taking other actions which tend to undermine the stated objectives of our Government to eliminate quotas and lower other barriers to international commerce.

Unfortunately, such activity by the Commerce Department is not new. It is well known, in fact, that in recent years the Commerce Department has spearheaded the efforts of the domestic watch-manufacturing industry to obtain relief from foreign competition as well as other benefits from the administration. It is the hope of those of us who view enlarged international trade as an important ingredient in worldwide economic stability and peace that such undermining influences within the administration will cease immediately.

COMMITTEE ON EDUCATION AND LABOR

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Education and Labor be permitted to sit while the House is in session today.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AIR CARRIERS OPERATING BETWEEN UNITED STATES AND ALASKA

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 308 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4520) to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States

and Alaska. After general debate which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT] and yield myself such time as I may consume.

Mr. Speaker, House Resolution 308 provides for the consideration of H. R. 4520, reported from the Committee on Interstate and Foreign Commerce with amendments. The resolution provides for an open rule and 2 hours of general debate on the bill.

The bill requires that the Civil Aeronautics Board issue permanent certificates of convenience and necessity to three air carriers—Alaska Airlines, Inc., Pacific Northern Airlines, Inc., and Northwest Airlines, Inc.—who are now engaged in air transportation between the United States and Alaska under temporary certificates.

The bill, as amended, contains language similar to that in Public Law 741 of the 84th Congress which granted permanent certificates to airlines operating within Alaska and Hawaii under temporary certificates.

There is an ever-growing demand for air transportation, both freight and passenger, to Alaska. The Committee on Interstate and Foreign Commerce feel that the public interest will be better served and the Federal Government's costs reduced if the bill is enacted since it will make for more economic operation of the airlines concerned and, it is believed, will reduce substantially the need of the air carriers for Federal subsidy.

The Civil Aeronautics Board, the Department of Commerce, and the Bureau of the Budget oppose H. R. 4520. It is the view of these agencies that it is unwise to grant permanent certificates in a piecemeal manner by special legislative enactment. The CAB further feels that there should be a merger between Alaska Airlines and Pacific Northern. It was pointed out in testimony before the Rules Committee that this was the main reason the CAB was opposed to the granting of permament certificates.

Sufficient time has been provided for a full discussion of this measure by the House. I therefore urge the adoption of House Resolution 308.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I know of no objection to this bill. There may be some, but none has been heard by our committee, as far as I am aware. This seems to be a fair and equitable method of handling the continued operation of these lines.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, on Monday of this week there were certain proceedings concerning the death of a former colleague the Hon. Earl C. Michener, my predecessor from the 2d Congressional District of Michigan.

I was not present in the Chamber at the time, being in Adrian, Mich., to attend the funeral of the Honorable Earl Michener. A good many of my colleagues from Michigan and from other States, I understand, would like to join me in comments upon the service that Earl Michener rendered to this country during his 30 years of service in this body.

For that reason, Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative business today and following any special orders heretofore entered I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

NO LONGER A FREE NATION

Mr. HOFFMAN. Mr. Speaker, today's decision by the Supreme Court which, in effect, authorized the armed services to turn over Soldier Girard to the Japanese Government for trial for the death of a Japanese woman, should neither surprise nor shock those who have been following the political trend for the last few years.

We joined the United Nations—a one-world organization—on October 31, 1945. By that action, we surrendered at least a part of the sovereignty of our Nation—some of the liberty of the citizen. Thereafter we were no longer a free and independent people.

On August 24, 1949, we joined 11 other nations in the formation of NATO. By so doing, we again surrendered a portion of the sovereignty of our Nation, the freedom of the citizen.

At the demand of the State Department, and of the military, we enacted legislation on June 19, 1951, which made subject to the Armed Forces command for a period of 8 years, every young American who was physically fit and mentally competent.

No other nation—unless it be Russia—today takes from its youth their independence, so drastically and completely controls their individual destinies. We rob our young men—for a period of 8 long years, of their right to shape their own future. Neither Stalin, Hitler, nor Mussolini ever exercised a more arbitrary authority.

But the whole story has not been told. Constantly, those in authority mouth the words—"A free people"—A free nation." Neither our Nation nor our people are free. Because of our conscription laws, because we joined the United Nations and NATO, because of the treaties and the executive agreements into which we have entered, we automatically put our young men—and our young women, if they enlist in the Armed Forces—under the nominal control of our armed services but under the actual control of a one-world worldwide organization, U. N.

Under the treaties and executive agreements which we have entered into with other nations we have bound our youth to fight—not only in defense of their country, the United States of America, but in any and every war, and for whatever cause, or even without cause, anywhere, everywhere in the world when members of those organizations become involved.

They are bound to fight, not under the command of officers of the Armed Forces of the United States, but, if those in control of either organization—the U. N. or NATO, and both are under the control of individuals of other nations—so decree, under foreign officers. Yes, under officers of nations which regard not the standards of decency or fair treatment observed by civilized countries, but under officers from non-Christian nations.

By the actions of the Congress, and of the executive departments—ruled in truth and in fact by the State Department with its faith in, and its implementation of one-world rather than national policies—our youth no longer fight under the Stars and Stripes which, in effect, have been hauled down, but under the banner of the U. N. Fight, suffer, and some die, defending not the freedom of their country, their country's interest, but for the purpose—good or bad—of other nations.

We have surrendered the independence for which our forefathers fought and many died.

We have ignored and repudiated the principles laid down in the Constitution.

We have surrendered our independence as a nation, the individual liberty of our citizens.

We have obligated our youth to fight, not as soldiers of a free and independent nation, but as mercenaries of U. N. and NATO.

We have betrayed those who fought and those who died during the 8 long years of the Revolutionary War.

We have betrayed those who fought in the War of 1812, in the Mexican War, the Spanish-American War, the hundreds of thousands who fought and died in the Civil War, to make men free.

We have forgotten those who died on Flander's Field in World War I. Those who sacrificed their all in World War II—in the Korean war.

So it is that today, I say, we should not be surprised that the United States Supreme Court has authorized our Government to turn over to Japan for trial under their system of jurisprudence—and, perhaps, for execution—an American soldier who was engaged in the performance of his duty. We take no effective action to free Americans now prisoners of the Chinese or the Russians.

So far as is known, no other country has been so neglectful of its own interests, of the interests of its own people, so

cowardly in defense of its own independence and the welfare of its citizens, as has the United States of America.

Upon the shoulders of the Congress, subservient to the State Department and, perhaps, the military, rests the responsibility for the present situation.

The Congress surrendered our independence as a nation when it joined the U. N. and NATO.

It disregarded the freedom of our people when it conscripted them to fight in the interests and under the command of other nations, under the flag of the U. N.

Why criticize the Supreme Court for today's situation? The responsibility for it rests squarely upon the shoulders of the Members of the Congress.

Yes, today I am an isolationist, as I always have been. I hope the good Lord lets me die an isolationist—one whose ruling purpose is the independence and security of my country, the welfare of my people.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I have read with deep regret of the death of Hervé J. L'Heureux, United States consul general at Montreal. He started his career as clerk in 1927 in the Government service. At the time of his death, he had advanced to the high and honorable rank of United States Minister. After serving in the Army in World War I, Mr. L'Heureux came to Washington and studied at George Washington University. While studying there, he was employed at the Capitol. Entering the service of the Department of State as a clerk in 1927, Mr. L'Heureux rapidly advanced.

His years of service were honorable and trustworthy at different consular posts; later Assistant Chief of Visa Division, and thereafter a number of important diplomatic assignments, returning to Washington in 1947 as Chief of the Visa Division of the State Department.

In 1952 Mr. L'Heureux was assigned to Bonn, Germany, as consul general; and in 1955 he was assigned to Montreal with the rank of United States Minister.

Himself a man of deep faith, Mr. L'Heureux came from a deeply religious family. At the time of his death five of his surviving sisters are nuns in the Presentation of Marie Order.

Mr. L'Heureux commanded worldwide attention and respect by inaugurating in 1948 the movement Prayers for Peace, a movement for a daily minute of silent prayer for peace in the world.

Mr. L'Heureux was one of the most respected officials of the State Department. He was widely respected for his deep faith, his strong religious convictions, for his ability, his integrity, and his nobility of mind and character.

It was my pleasure to meet him some years ago and between us developed a strong and lasting friendship. I shall miss him very much.

The tribute paid Mr. L'Heureux by Secretary of State John Foster Dulles is an appropriate one, and expressive of my views.

I extend to Mrs. L'Heureux and her sons and daughter, and to a brother and sisters of Mr. L'Heureux my profound sympathy in their great loss and sorrow.

I ask unanimous consent, Mr. Speaker, to extend my remarks and include the statement by Secretary of State John Foster Dulles, which was a beautiful and appropriate statement in connection with the death of Mr. L'Heureux.

The SPEAKER. Is there objection?

There was no objection.

(The statement follows:)

The United States has lost one of its outstanding Foreign Service officers. His career was a distinguished one throughout. Mr. L'Heureux was the originator of the Prayers for Peace Movement—an action which typified his high sense of moral values and the dedicated approach which guided his entire life.

The Department of State is proud to have counted him among its officers.

Mr. McCORMACK. Mr. Speaker, I also ask unanimous consent that any Members who may desire to do so may extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROONEY. Mr. Speaker, will the distinguished majority leader yield?

Mr. McCORMACK. I yield.

Mr. ROONEY. Mr. Speaker, I should like to join the distinguished majority leader [Mr. McCORMACK] in his remarks upon the passing of the late Hervé J. L'Heureux. I knew Hervé L'Heureux for many years. I considered him one of the most competent and capable and faithful officers of the Foreign Service. I had the opportunity to visit him in his room at Bethesda Naval Hospital a week ago yesterday. It was appalling to find him a victim of the dread disease, cancer. This disease has taken from the Foreign Service of the United States one of its most valuable and faithful servants. Hervé L'Heureux was a man upon whom the committees of the Congress of the United States could always rely as most trustworthy. It was on the day of my visit to his sick room that the President submitted to the Senate his name for approval as career minister in the Foreign Service.

I join with the distinguished majority leader in extending deepest sympathy to his widow, his sons and daughter upon his passing. I know God will be good to him for he was a good man.

Under the permission heretofore granted me by unanimous consent of the House, I include the following article published on the obituary page of yesterday's Washington Evening Star:

HERVÉ L'HEUREUX DIES; FOREIGN SERVICE OFFICER

Hervé J. L'Heureux, Foreign Service career Minister whose appointment was signed by the President July 3, died yesterday in Bethesda Naval Hospital. He was 58. Congressional approval of the appointment was pending.

Mr. L'Heureux served as head of the Visa Division of the Department of State here 5 years and was the originator in 1949 of "Prayers for Peace," a movement for a daily minute of silent prayer for peace in the world.

His term of duty as Visa Division Chief was extended 1 year beyond the technical limit by an act of Congress. His last foreign duty was as consul general at Montreal. He was consul general at Bonn, Germany, from 1952 to 1955, and a member and secretary of the north African economic board and administrative officer to the Civil Affairs Section of the Allied Force Headquarters in 1943 and 1944.

CANCER CAUSED DEATH

His death was from cancer of the liver. He had been ill about a year.

Mr. L'Heureux was born in Manchester, N. H., March 6, 1899, and graduated from George Washington University with a bachelor's degree in 1925, and received a law degree from the University of Detroit in 1935. He served in the United States Army from 1917 to 1919. He married the former Jeannette Blum, of Washington, D. C.

His 30-year Foreign Service career began in 1927 as clerk at Windsor, Ontario, where he became vice consul the same year, and consul in 1935. He then served at Antwerp, Belgium; Stuttgart, Germany; and Lisbon, Portugal, before becoming Assistant Chief of the Visa Division in 1952. He became secretary to the office of the President's special representative at Algiers in 1953 and secretary and consul at Algiers in January 1944.

Mr. L'Heureux was consul general at Marsielles, France, until his appointment as Chief of the Visa Division in 1947.

DULLES CITES LOSS

On learning of Mr. L'Heureux' death, Secretary of State Dulles said "the United States has lost one of its outstanding Foreign Service officers. His career was a distinguished one throughout and was climaxed by the recognition accorded him recently when the President submitted his name to the Senate for approval as a career Minister."

Mr. L'Heureux owned a house at 5201 38th Street NW.

He is survived by his widow; 2 sons, George Hervé L'Heureux, 1607 Bradley Avenue, Rockville, Md., and David Eugene, a Foreign Service officer serving as vice consul in Manila; a daughter, Mrs. John J. Schwab of Chicago; and 8 grandchildren.

Also surviving are 8 sisters, 5 of whom are in the Presentation of Marie Order. They are Sisters Henri Suzo, Berlin, N. H.; Marie des Neiges, Gorham, N. H.; Marie St. Antoin, Burlington, Vt.; St. Clarisse, Biddeford, Maine; and St. Chrétienne, Manchester, N. H. The other sisters are Mrs. Lorette Braehler, 2112 Spencer Road, Silver Spring; Mrs. Anita Kelly, Salem, N. H.; Miss Lena L'Heureux, Manchester, N. H.; and a brother, Robert D. L'Heureux, 1251 South Forest Drive, Arlington, Va.

Requiem Mass will be offered at St. Matthew's Cathedral. Burial will be in Arlington Cemetery. The time of the Mass has not been set.

Under the permission, I also include the following article published in yesterday morning's Washington Post and Times Herald:

H. J. L'HEUREUX DIES HERE AT 58

Hervé J. L'Heureux, American Consul General at Montreal, Canada, and originator of the Prayers for Peace Movement, died at Bethesda Naval Hospital yesterday after a long illness. He was 58.

Mr. L'Heureux joined the foreign service 30 years ago. Last week his name was submitted by the President to the Senate for approval as career minister.

Secretary of State John Foster Dulles, upon hearing of Mr. L'Heureux's death said, "The United States has lost one of its outstanding foreign service officers." Mr. Dulles expressed his profound regret.

Mr. L'Heureux conceived the idea of Prayers for Peace in 1946 while attending a memorial service for war dead in France. He was disturbed by the absence of a prayer for the future.

The movement was organized in 1948 in Manchester, N. H., Mr. L'Heureux's birthplace, when a group of veterans resolved to pause for 1 minute at noon each day to pray silently for peace. Within a year the plan was adopted by hundreds of organizations, including the District Department of the American Legion.

Mr. L'Heureux joined the foreign service in 1927 and was assigned to Windsor, Canada. He later served in Germany, Belgium, Portugal, Algiers, and France. From 1947 to 1952 he was chief of the visa division in the Department of State. He was executive director of the United States High Commission for Germany from 1952 to 1955, when he went to Montreal.

A veteran of World War I, Mr. L'Heureaux was a delegate from New Hampshire to the American Legion's 1919 founding convention in St. Louis. He was active in the American Leigon for many years and was past commander of the Department of State post.

Mr. L'Heureux owned a home at 5201 38th Street NW.

Surviving are his wife, Jeannette; two sons, George, of 1607 Bradley Avenue, Rockville, Md., and David, vice consul at the United States embassy in Manila, Philippine Islands, and a daughter, Jeanne, of Chicago.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. KEATING. The gentleman from New York [Mr. ROONEY] has completely covered the sentiments which I desired to express. I have had personal relationships with Mr. L'Heureux when he was serving as Consul General in Germany. I have watched his work and I share emphatically the views expressed, that our Nation has lost one of our most devoted public servants, and one to whom every citizen of this country owes a lasting debt. Never have I known one more dedicated to his assignment or more faithful in the execution of his trust.

I join in extending to his family, and particularly to his brother, Bob, who served ably so many years with one of the committees of the other body and later with the Federal Communications Commission, my deepest sympathy in their great loss.

Mr. MORANO. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. MORANO. I wish to associate myself with the remarks previously made by other speakers.

During my service in Congress, and even before that, I had many occasions to communicate personally by phone and to correspond with Mr. L'Heureux while he was a member of the Foreign Service. He was an able, conscientious service officer. The United States Government has lost the services of a really excellent public servant.

I join with the distinguished majority leader and the others who have preceded me in offering my profound sympathy to the family.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. JUDD. Mr. Speaker, Mr. L'Heureux, whose passing we mourn and memorialize today, was one of the highest-type public servants that our Government has had, at least in my time. So often the mistakes or shortcomings of a few in any of the Government services are advertised as if they were the rule and the bad impression created is transferred to practically all other persons in the Government. Fortunately the reverse is also true. The State Department, in which our friend worked long and well and, in fact, the whole Government service have profited and been elevated both by the influence of a man like Mr. L'Heureux on his colleagues in the service and by the universally favorable impression he created on everybody who had opportunity to know him, in and out of the Government. I had many dealings with him when he was head of the Visa Division. He was always most considerate and fair and helpful with us and with our constituents whose problems we brought before him. I also had some association with him on the Prayers for Peace movement which was so near his heart, and I know of his many other activities as an earnest, sincere, warmhearted Christian gentleman. Hervé L'Heureux was one of the finest, noblest men it was ever my privilege to know.

Mr. McCORMACK. Mr. Speaker, in the journey of life one of the most pleasant aspects to me is the nice people I meet everywhere, good people, people with nice minds, people with noble minds, people with decent minds, people who are good. I would rather be good than great, If I could be either great or good I would rather be good, although I would like to be both, but to me goodness is one of the most important attributes a human being can possess, and to me it is a great pleasure that there are so many good people in all parts of the world, people who are just good. One of the best I have ever known is the distinguished gentleman about whom I have made remarks today, Mr. L'Heureux, and in which my colleagues have joined. I appreciate very much their contributions and I know they will bring consolation to his loved ones.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Speaker, I take this minute to inform the House that H. R. 72 is coming up immediately after this bill and will be very controversial.

The SPEAKER. It will not come up immediately after this bill; another bill will follow this one.

Mr. H. CARL ANDERSEN. Nevertheless, Mr. Speaker, when it does come up there is a group of us determined to try to kill the rule in the first place, and if that cannot be done we shall use every possible means we can to show the House how iniquitous that bill is, how it will damage 110,000 incompetent veterans of this Nation of ours. I am sure, Mr. Speaker, the House membership does not want intentionally to hurt 110,000 incompetent veterans of the United States of America.

Mr. Speaker, I am simply serving notice that that particular bill will be very controversial when it comes up for discussion this afternoon.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I have only 2 minutes, but I will yield to the gentleman.

Mr. TEAGUE of Texas. I appreciate the gentleman's yielding. I wish only to say in response to the gentleman from Minnesota that the Committee on Veterans' Affairs has never brought a bill to this floor that does what the gentleman just stated this bill will do.

Mr. GROSS. Mr. Speaker, the Supreme Court decision handed down this noon, just a short time ago, is another assault upon the Constitution of the United States and further destruction of the individual rights of American citizens.

This simply means that the Rules Committee of the House ought to act with the greatest expedition in voting out the Bow resolution which is presently before them, which seeks to rectify this situation of the trial in foreign courts of Americans serving abroad in the United States forces.

Incidentally, it is going to be very interesting now, in view of the testimony given to the House Foreign Affairs Committee last year in which State Department and other administration officials said that an American soldier on duty in a foreign country could not be tried in a foreign court, to see how those officials square their statements with what happened today making it possible to deliver this serviceman, who was on duty, over for trial in a Japanese court.

Mr. Speaker, I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. HAYS] and ask unanimous consent that he may speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HAYS of Arkansas. Mr. Speaker, for a number of years prior to his retirement at the end of the 84th Congress, the Honorable George Dondero, a distinguished Member of the House, followed the practice of making a brief presentation early in the first session of each Congress of some of the rules supplementing the instructions that our greatly esteemed Parliamentarian, Mr. Lewis Deschler, and his able assistant, Colonel Roy, always give to new Members. It is a little late in this session to attempt that service and I feel unequal to the task, but I have been requested to present these viewpoints, partly for the benefit of our new Members and partly as a reminder for all of us. If I overlook any of the points that are important, I hope that my colleagues will help me

round out this little discussion for the benefit of the House.

During this year the House will celebrate a full century's use of this historic Chamber with the attractive surroundings which it provides, and cherished traditions are identified with it. It might be said, Mr. Speaker, that the Congress is a little older than the Government, for it first assembled under the new Constitution on March 4, 1779, in New York, and George Washington was not inaugurated until April 30 that year. Some of the Rules of the House are as old as the Congress itself, and while in contrast with some of the other parliaments of the world our procedures are simple, we have our own symbols and respected patterns of conduct.

You have learned, perhaps, of the tremendous symbolism of the Mace. When it was fashioned by one of the world's great artisans over a hundred years ago, it required an outlay of $500, but is valued at many times that figure today. It represents the dignity and the pride of this legislative body and is held in such reverence that it is believed any threatened violence when tempers rise can be immediately allayed if the Mace is visible, and on this theory it is said on one occasion the Sergeant at Arms merely walked with it toward angry Members about to commit an affront to the House by fighting and the desired result was immediately achieved.

An old Arkansas friend of mine, Randall J. Hearn by name, regarded by many as a legendary character, although I assure you he is very much a real person, used to say "a man don't know nothing he did not learn."

I quoted that to a friend of mine recently and he quoted another saying from an Ozarkian, "no man can live long enough to learn all he has to know just to survive. Some things he must inherit from the race."

These are not contradictory statements. I think they can be reconciled. There are some things we learn by our individual experience in this body, but sometimes we have to rely on our predecessors. It is in this realm of faith upon those who preceded us that I point to the value of the traditions and Rules of the House. There is a reason for every rule we have. It is the product of our long experience in parliamentary government.

An error sometimes creeping into our speeches is to begin an address, after obtaining the Speaker's recognition, "Ladies and gentlemen of the House." This is bad practice and actually an affront to the Speaker, for when we address the Speaker we address the House, and we should never add anything to this significant phrase of respect, "Mr. Speaker." The proper beginning, of course, when we are in the Committee of the Whole is "Mr. Chairman." One can quickly ascertain whether it should be "Mr. Speaker" or "Mr. Chairman" by looking to see if the Mace is in its place.

The rules forbid a Member leaving the Chamber when the Speaker is putting a question, or is making any comment to the House. Members are expected to remain in their seats until the Speaker has concluded.

We are admonished when any Member has the floor never to walk between him and the Speaker or in front of the person having the floor. Smoking in every part of the Chamber is prohibited specifically, and I believe it is true that the enforcement of this particular rule is made the specific duty of both the Sergeant at Arms and the Doorkeeper, so I presume no one should be embarrassed if either one of these House officers calls attention to an infraction.

As to dress, apparently the Congress long ago abandoned any thought of special garb. That was wholesome. However, a coat is always required and the wearing of a sport coat or sport shirt is not proper.

Mr. FULTON. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I am interested, as a matter of courtesy, how you address a woman elected to Congress. Is she a gentle lady, a gentlewoman, a Congressman, or a Congresswoman?

Mr. HAYS of Arkansas. The proper way to address a lady Member of the House is "The gentlewoman from Pennsylvania," and not "the lady."

Mr. FULTON. Does the gentleman not think in courtesy we ought to let a lady answer that? I mean, at this point.

Mr. HAYS of Arkansas. I will be glad to yield to any gentlewoman of the House who might care to correct me if I am in error. I assume, in view of the silence, that I am correct in calling her the gentlewoman. I believe I have good authority for this.

Mr. FULTON. It is correct, then, to call them Congresswomen?

Mr. HAYS of Arkansas. The more acceptable practice is to use the same title for both men and women, "Congressman." I am speaking as if I am an authority. I am not. And even experts may disagree. I heard a story the other day about a lady sitting next to a man at dinner who said to her, "Are you Mrs. Post?" She said, "Yes." He said, "Mrs. Emily Post?" She said "Yes." "Well," he said, "Mrs. Post, you are eating my salad."

Mr. VORYS. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from Ohio.

Mr. VORYS. Upon this perplexing question as to how to address a female Member of the Congress, could the gentleman give us the views of Randall J. Hearn? A number of us have followed the philosophy of Randall J. Hearn as expounded by the gentleman from Arkansas for a number of years, and if he has any conclusion on this subject, it would certainly be compelling with me.

Mr. HAYS of Arkansas. My friend, Randall Hearn, appreciates being mentioned. The gentleman from Ohio will recall that the census enumerater sought to obtain information from him. He asked him how to spell the name and the old gentleman replied, "Spell it yourself, stranger. I'm a nonscholar."

I am attempting, Mr. Speaker, in this interlude, which was inspired by my friend from Pennsylvania, to be as informal as the rules permit.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from North Carolina.

Mr. JONAS. Whether we can all agree upon the proper way to address them, I believe most of the male Members of the House will agree with the sentiment expressed by the law student when he was asked to respond to the question, How would you define the term "fee"? He was a better poet than lawyer, and responded thus: "There are fees simple, and simple fees, and fees that do entail; but the greatest fee of all the fees is the female."

Mr. HAYS of Arkansas. Mr. Speaker, I think probably the interruption was justified, and it is a very good demonstration of how the House is entitled to cling occasionally to these moments of relaxation in the midst of serious deliberation, and I trust that the laughter that we have enjoyed will not detract from the points I am trying to make for the new Members.

Let me move quickly to one or two other points. It is never proper to say "you" in addressing another Member nor should his first name ever be used. It is always "the gentleman from Wyoming, the gentleman from Alabama."

One must always stand to object to any unanimous consent request and, of course, address the Speaker before voicing the objection. Anyone who wishes to interrupt a Member should always rise and first address the Chair—"Mr. Speaker, will the gentleman yield?"

I point this out because we have lapsed into very bad practice. Sometimes, there is just a quick verbal thrust, in the middle of a sentence, before the one having the floor has come to a period, or even a semicolon, and sometimes we hardly wait for a comma; we just say, "Will the gentleman yield?" On occasions that is omitted. The proper procedure is to rise and say "Mr. Speaker, will the gentleman yield?" I hope Members will forgive this rather didactic approach, but this was my assignment and I am doing the best I can with it.

Reference to a bill should always be by number, preceded by "House bill" or "H. R." A resolution should always be called a resolution. There is no such word as "Res." Committees should be given their official name—the Committee on Rules, not the Rules Committee; the Committee on Appropriations, rather than the Appropriations Committee.

I am indebted to another former Member, the Honorable Charles A. Plumley, of Vermont, for some of the information included in these remarks, and Members who are interested in pursuing some of the fine points of procedure will find his speech on May 5, 1950, a very helpful document. It was published as House Document No. 601, 81st Congress, 2d session.

To our guests in the gallery this may appear to be a little family discussion and that is what it is. It is an intimate

talk that we are having about good manners, and it is inspired by the fact that we want them to think well of us. We want to guard our reputation. We have in the gallery not only constituents and friends, we have visitors from other nations. We therefore occasionally remind ourselves that it is not good manners to put our feet on the back of the chair in front, that it is not good manners to read a newspaper, that we should not engage in prolonged or audible conversation when someone has the floor.

Mr. Speaker, you have been very kind to hear me and I am grateful for this courtesy. I am sure that our new Members have already acquired the spirit of reverence for this Chamber and this institution. The hall of the House of Representatives which we now occupy is 100 years old. This is the centenary of the establishment of this Chamber as our meeting place. Many distinguished predecessors rendering outstanding service as Members of the House, including all three of our martyred Presidents.

In the original House Chamber, a Repsentative from Massachusetts, John Quincy Adams, returned after 4 years as President, to exhibit his interest in the Republic's legislative procedures. It is said that when Robert E. Lee became president of Washington College at Lexington, Va., now Washington and Lee, he caused to be included as a preface to the rules for his student body this simple injunction: "This college expects each of its students to be a gentleman."

I suppose that rules would be of little value if we did not stress this fundamental rule. And in that connection, Mr. Speaker, may I add, in conclusion, this word of appreciation of our fine, new Members. I think they are doing a good job of being gentlemen.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LOANS TO HOMESTEADERS AND DESERT-LAND ENTRYMEN

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 263 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3753) to enable the Secretary of Agriculture to extend financial assistance to desert-land entrymen to the same extent as such assistance is available to homestead entrymen. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT], and at this time I yield myself such time as I may consume.

Mr. Speaker, House Resolution 263 makes in order the consideration of H. R. 3753, reported from the Committee on Agriculture with an amendment.

The resolution provides for an open rule and 1 hour of general debate on the bill.

H. R. 3753, as amended, would permit the Farmers' Home Administration to make loans under the Bankhead-Jones Farm Tenant Act and under the Water Facilities Act to desert-land entrymen on the same terms as such loans are now made to homestead entrymen or those who have contracted for the purchase of farmlands in a reclamation project. It would also make rural housing loans under title V of the Housing Act of 1949 available to homestead entrymen, desert-land entrymen and purchasers of lands in reclamation projects.

Certain conditions must be met by a desert-land entryman before a patent to the land is secured. He must spend certain specified sums for land clearing and make water available on the land for irrigation purposes. Until the land is patented to an entryman, a mortgage on such land has practically no value as security for a loan that can be made under existing authorities. The bill, if enacted, will permit the Secretary of Agriculture to obtain a valid mortgage on entered desert land prior to the issuance of a patent, thus permitting the Department of Agriculture to extend financial assistance to more entrymen.

The Department of Agriculture recommends favorable consideration of the bill and the Bureau of the Budget made no objection to the report submitted by the Department.

I urge prompt action on House Resolution 263 so the House may proceed to the consideration of H. R. 3753.

Mr. SCOTT of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. I yield.

Mr. SCOTT of Pennsylvania. May I address this inquiry to the gentleman from Arkansas: As I understand, no opposition to this bill was heard before our committee. Is that correct?

Mr. TRIMBLE. There was no opposition before our committee to the rule. As I understand, there is opposition to the bill.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Speaker, I think there are some points in this bill that ought to be made very clear to the House. I think it is a good thing that this bill is coming before the House because I believe that there are matters of policy involved in this bill that ought to be considered very carefully by the House. I am glad the Members of the House are going to have the opportunity of considering the policy involved in the bill.

I became interested in this bill as I came out of the committee where we were holding hearings one day and listening to demands being made upon us for appropriations for the Department of Agriculture. I stepped over behind the rail and, as I often do, I picked up the report on the bill. This report particularly intrigued me because in the report appeared these words:

> This bill would not require any additional appropriations at this time. Available direct and insured loan funds would be adequate to permit loans to be made under the amendment and the administrative expense funds would absorb the cost of making, insuring, and servicing such loans.

This was a report that was sent up by the Under Secretary of Agriculture, True D. Morse, on March 4, 1957.

After reading this report I felt that in all good conscience that I should object to the bill being considered on the current calendar, feeling that the House should consider it. We held hearings on an urgent deficiency bill where this same Department of Agriculture came up before our committee and requested $26 million to make these loans. This urgent deficiency bill had not been acted upon.

This is what Mr. Scott, Director of the Agricultural Credit Service, told us on January 28 in the hearings on the urgent deficiency appropriation bill:

> The rate of direct loan fund obligations this fiscal year is considerably in excess of any previous year. On January 4, 1957, about $18,335,000 of the $24 million was obligated, leaving only relatively small balances in many of the States.

This supplemental appropriation passed the House on June 18, so that during the time this request came up to the Committee on Appropriations and during the time the report came up to the Committee on Agriculture the same Department seemed to be going in two different directions.

I wondered about that in connection with this bill and studied the report. Mr. Speaker, there is not one word in that report concerning the cost. In the hearings before the Committee on Agriculture or the Committee on Rules, at no place is it shown how much this particular bill is going to cost. That was rather interesting because I have assumed that when committees held hearings upon bills and made reports on bills of this important nature some of these things would be considered by the legislative committees, rather than putting the burden on us in our little room across the hall in the Committee on Appropriations.

In this particular instance, while a number of Members of the House, and I have no quarrel with those Members of the House because those Members are all able, efficient men and have been here for a great length of time, but occasionally it is entirely possible that some of those same Members have criticized the Committee on Appropriations because the Committee on Appropriations has taken certain action on an appropriation bill. It is customary for some Members of the House to criticize the Committee on Appropriations for writing legislation on an appropriation bill. We like criticism, but in this particular case I would just like to turn the

thing around a little bit by pointing out the fact that here we have the Committee on Agriculture passing on the legislative possibilities of this bill, and there is not a word in the hearing that tells how much it is going to cost or how many loans are involved. Now, that is interesting. I have great admiration for the Committee on Rules. I do not want to add to the burdens of our Committee on Rules. But there have been some criticisms by members of the Committee on Rules about the fact that the Committee on Appropriations has engaged in writing legislation on an appropriation bill. But, here is a bill that will come before us, on which a rule has been granted, and there is not a word said by any Member that I know of in the Committee on Rules as to how much this piece of legislation is going to cost. Now how much is this legislation going to cost? Frankly, gentlemen, I have not been able to find out.

Mr. BUDGE. Mr. Speaker, will the gentleman yield?

Mr. MARSHALL. I yield.

Mr. BUDGE. Is it not a fact that the direct farm loan funds are allocated among the several States on a ratio basis so that if a State wanted to use its funds for this purpose, it would not increase the overall appropriation for the direct farm loan funds? Would that not be correct?

Mr. MARSHALL. Of course, the gentleman is correct. These funds that are allocated are allocated to the States on the basis of a formula. However, it is interesting to note in the testimony coming before our Committee on Appropriations, as I understand Mr. SCOTT, practically every State was out of funds and I think it the gentleman's own State which he would be interested in, he would find that the applications far exceeded the amount of loans that can be granted in that particular State.

Now what are these loans going to be made for? That is the important thing. There have been some Members who have said, "Well, you are making this amount of loan under the Homestead Act and you ought to make the same kind of loan on desert entries." I began to wonder about that. So I looked back and found that a bill was passed in the 84th Congress. It was Senate bill 265. I was interested in some of the things that were mentioned in this particular bill in connection with the raising of the limitation of the amount of land that we could accept for desert entry. This paragraph intrigued me:

> While the greatest period of development of desert land entry came between 1877 and the first World War, the past few years have shown a revival of interest in part according to the Bureau of Land Management spokesman by higher farm real estate values and more favorable ratios of farm commodity prices to farm production costs and by the extension of rural electrification and by general improvement in the methods of well drilling, pumping and irrigating.

A recent pamphlet titled "Agricultural Prices" we received from the Department of Agriculture shows that the farm price ratio, parity ratio, is the lowest for the month of June that it has been since 1940. Recently we have had some bills before the House concerned with agricultural surpluses. We have talked about controlling production and talked about the huge surplus here. Yet, here on the other hand we are making loans to open up new land. I would like to see the desert bloom. I think that is a worthwhile objective.

I have always thought it was nice to develop the resources of this country, but is it nice to develop the soil resources of the country right now during this period? Is not some of that land in nature's own soil bank?

That interested me, so I went back and I found the hearings that were held before the Committee on Agriculture, and I found some rather interesting things in those particular hearings. I wish some member of the Committee on Agriculture could explain to me what kind of security the Government has on the kind of loans they are making on these lands. I have studied it, and I read the reports from the Solicitor of the Department of Agriculture, and to me it is rather questionable just how much security the Government has upon this particular type of loan.

The SPEAKER. The time of the gentleman from Minnesota [Mr. MARSHALL] has expired.

Mr. TRIMBLE. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. MARSHALL. I thank the gentleman.

I looked this up in the hearings. They were talking about this particular land upon which loans are to be made. A member of the committee said, "Do the insurance companies loan before the patent is issued?" And the gentleman from Idaho [Mr. BUDGE], said, "I would think either the banks or the insurance companies, if the credit is something other than the land itself, would make the loan. I do not know of anyone who is making the loan looking toward the land—just the land itself, because the land is relatively valueless. It is just so many acres of sagebrush. You cannot borrow anything from anyone just for the sagebrush."

That is the kind of land we are opening up.

Now there has been some question concerning the difference between a homestead loan and a desert-entry loan. Some say there is no difference. Under the original terms of the homestead laws, a homestead loan was set up for the purpose of giving the settler an opportunity to develop the land. But practically all of the land of the United States that is suitable for homestead entry is taken up. There is no disagreement over that. What about desert entry? It is interesting to quote my good friend, the gentleman from Idaho, from the hearing:

> As a matter of fact, the Bureau has been quite, perhaps I should say, dilatory in granting desert-land entries in the last 2 or 3 years because of the present agricultural situation.
>
> But I anticipate that when agriculture is in a little different position that the desert-land entries will go forward quite rapidly in some areas of the country.

Mr. Speaker, these entrymen get a permit from the Bureau of Land Management under the Secretary of Interior. I was surprised that no report was considered from the Secretary of Interior. Should not the Department of Interior, the Department that has charge of all of the vast desert resources, be given an opportunity to testify on the bill?

In spite of the reservations I have about this bill, I would overlook them if the requirements for homestead entry and desert entry were similar. However, for the Government to have title to the land and then make a loan for development purposes seems to me to be going too far. The owner has all of the advantages of development; the Government assumes the risk. All of this at a time when our agricultural production is considered to be in surplus.

Mr. Speaker, many farm families on established farm units are not able to obtain the necessary loans. Members of Congress have complained to me about tight loan requirements adopted by the Farmers' Home Administration. Should we allow the limited funds to be dissipated for development purposes?

We cannot, on the one hand, talk about conserving our resources and controlling our surpluses, and then on the other hand, make it easy for a raid on the Treasury for loans to increase our agricultural supplies. There no doubt will be a time when development of the desert will be an attractive possibility and a necessary undertaking. That time is hardly at this moment. This is the question of policy which Members of Congress need to consider when they vote on this bill.

The SPEAKER. The time of the gentleman has again expired.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

CALL OF THE HOUSE

Mr. SMITH of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Evidently no quorum is present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 139]

Anderson, Mont.	Delay	Moss
Auchincloss	Diggs	Mumma
Bailey	Dooley	O'Konski
Bates	Halleck	Powell
Beamer	Hillings	Robsion, Ky.
Blitch	Holifield	Shelley
Bowler	Holtzman	Spence
Breeding	Hyde	Teller
Celler	Jensen	Thompson, N. J.
Coudert	Kearney	Thornberry
Dawson, Ill.	Kearns	Vinson
	Lesinski	Westland

The SPEAKER. On this rollcall 394 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AIR CARRIERS OPERATING BETWEEN UNITED STATES AND ALASKA

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4520) to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4520, with Mr. DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce has reported to the House the bill, H. R. 4520, which would provide permanent certification for certain air carriers operating between the United States and Alaska. The purpose of this legislation is to permanently certificate all United States-Alaska air transportation routes, as now authorized by the Civil Aeronautics Board under temporary certificate. There are three United States air carriers affected—Alaska Air Lines, Pacific Northern Air Lines, and Northwest Airlines. The first two have routes along the west coast originating at Portland, Oreg., and Seattle-Tacoma, Wash. Northwest Airlines holds a temporary certificate to serve between the coterminal points of New York and Chicago and the terminal point Anchorage, Alaska, by way of intermediate points at Minneapolis-St. Paul and Edmonston, Canada.

This bill, Mr. Chairman, is similar to the legislation enacted in the 84th Congress to grant permanent certificates to 14 local service airlines and the airlines operating under temporary certificates in Alaska and Hawaii. We enacted that legislation in order to stabilize the operations of these airlines and thereby reduce their operating costs. The pending legislation should be enacted for the same reason. The committe held hearings on this legislation. We obtained reports from the various agencies of the Government involved. We considered the bill and it was reported out by the committee by an overwhelming majority. In fact, as I recall, there were only 2 of our committee of 33 who expressed any opposition.

Subsidy payments by the Federal Government are needed to operate two of the airlines involved, or these routes involved in this legislation. Northwest Airlines does not receive any subsidy.

One of the principal benefits of permanent certificates is that the carriers can make long-term financial arrangements and purchase needed equipment to provide economical and efficient service.

Mr. Chairman, I would like to say that this is a highly important bill not only to our own country but especially to the Territory of Alaska.

One of the principal benefits of permanent certificates, Mr. Chairman, is that the carriers can make long-term financial arrangements and purchase equipment needed to provide economical and efficient service. They can also provide hangars, navigational equipment, and other facilities needed to provide better service to the public. This will result in operating economies with a resulting reduction in subsidy costs to the Federal Government, which is one of the goals which we hope to achieve, the same objective that we sought to achieve when we voted to permanently certificate the 14 local service airline carriers in the United States and those operating in Alaska and Hawaii during the last Congress.

There are other ways in which the public interest will be better served by this legislation, and the cost to the Government reduced, if permanent certificates are granted.

As an example we have:

First. Executive talent now diverted to certificate renewal proceedings will be available for improving airline operations, thus promoting the public interest and enabling the carriers to earn more money.

Second, expenses of recertification proceedings, estimated at $100,000 or more for each renewal, will end, and the money saved can be invested in improvements to provide better service and earn additional revenue.

Third, States, cities, and others which must prepare facts and statistics to support the renewal application to protect their own interests, will be spared that expense and inconvenience.

Fourth, the Federal Government will be spared the substantial expense of conducting the renewal proceedings.

Fifth, the investment by States and municipalities, and to an extent the Federal Government, in aeronautical facilities needed by the air carriers will be placed on a less speculative basis.

Sixth, long-range personnel programs can be developed by the carriers. This will result in considerable savings. At present the carriers generally must make short-range employment contracts, resulting in a personnel turnover rate twice that of the trunk carriers.

Seventh, patrons of the air carriers can plan new business enterprises and expand existing operations with confidence if the air service on which they depend is made permanent. This is of special importance to Alaska.

Eighth, the carriers can work out needed financing programs on a long-term basis, thus reducing or avoiding such disadvantages as premium interest rates on loans, loan periods timed to temporary certificate dates, and the many other penalties resulting from the uncertain nature of the carriers' prospects.

I would call attention to the report which is filed. On page 3, we outline the need for this legislation, and if our colleagues who are interested would obtain a copy of the report and read this one page, you would get a complete picture of the purpose and the need for this legislation.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. KEATING. I am openminded about this legislation, but I am a little concerned by the fact that the Secretary of Commerce and the Secretary of the Air Force and the Bureau of the Budget seem to have filed adverse reports.

Mr. HARRIS. If the gentleman will permit me, I intend to go into that in a moment.

Mr. KEATING. I was going to ask the gentleman to cover the objections which they raise.

Mr. HARRIS. I will be glad to cover that as soon as I complete my statement.

It is not necessary to stress the importance of air transportation to Alaska. The only practical alternative of travel between the United States and Alaska is by auto, over the Alcan Highway. Surface transportation of freight is slow. Consequently, air freight is favored for perishable foods and other cargo having a high value in relation to weight.

As a result, the volume of passenger, cargo, and mail traffic carried by these air carriers has shown a steady growth. The future of both Alaska and the aircarriers connecting it with the United States seems secure, especially, if through permanent certification the carriers are given the security and stability needed to increase income and reduce subsidy requirements.

Not only is air transportation vital to the economic development of Alaska but it is important to national defense. No one here needs to be reminded of the growing importance of Alaska to the national defense. The military effort there must be supported by air transportation. If commercial carriers cannot fill the need the military must supply the transportation they must have.

We believe that it is in the best interest of the country to encourage the development of private enterprise. To do that, these carriers need additional incentives to make long-term plans. They are now living a hand-to-mouth existence which stunts growth. Enactment of the pending bill will in my opinion go a long way to give private enterprise the incentive to develop a sound, long-range transportation program to meet the needs of Alaska.

The gentleman from New York raises the question as to the position of the agencies and the departments involved in the report. We have set out the letters received from the Bureau of the Budget, the Secretary of Commerce, the Department of the Air Force, and the Assistant Secretary of State in the committee report. It is true that the Secretary of Commerce and the Bureau of the Budget made unfavorable reports opposing the legislation but each of them based their opposition on the fact that under present law the Civil Aeronautics Board has the authority to determine whether or not a certificate should be made permanent.

That position of these two agencies is no different from the position they took regarding the other permanent cer-

tification legislation in the last Congress. We permanently certificated 14 local airline carriers within the United States. The Secretary of Commerce opposed that action by Congress for the same reason he opposes this bill. The Bureau of the Budget gave its report for the same reason. But the fact remained then as it is now that the Civil Aeronautics Board has consistently refused to grant permanent certificates to these lines and, therefore, keep them in a stunted position. Because of this they cannot move in and develop the service the Board itself said is needed; and the Board said that in its last action in granting temporary certificates to these airlines.

In the case of the Pacific Northern the Board found that the service between the States and Anchorage in competition with Northwest was necessary. The Board said: "The record fully supports the * * * conclusion that the States-Anchorage market requires and can support direct competition between two carriers. * * * The Board is unanimous in its decision to retain two carriers in this market."

It was the Board's decision that this service is necessary.

The Board rendered a similar decision in the case of the Alaska Airlines when that certification was made, but likewise granted them a temporary certificate.

They cannot make any long-term financing arrangements to purchase the equipment they need and the kind of facilities that they must have if they develop this service.

The Department of the Air Force is not opposed. If you will read the letter or the report on page 8, the Assistant Secretary of the Air Force said:

> The Department of Defense is aware of no adverse effect which its enactment would have upon its operation and, therefore, has no objection to the bill.

The Department of State said:

> Accordingly, the Department expresses no comment on the substance of the bill and has concluded that the bill—

would have no direct bearing upon the United States foreign relations.

Those were the reports received from these agencies of Government.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. KEATING. Might there not be a difference between the permanent certification of the 14 local carriers and this bill here before us?

Mr. HARRIS. No.

Mr. KEATING. Am I not correct in saying that these are what are called trunklines?

Mr. HARRIS. I suppose you would call the Northwest Airlines route part of a trunkline operation, but I do not think the other routes would be necessarily classified as what we refer to as trunkline operations. They are, of course, more than local service carriers because they do operate from Portland, Seattle, and Tacoma into Anchorage and Fairbanks, Alaska, but they also serve the local points between those terminal points. To that extent they are local in character.

Mr. KEATING. Have we ever taken action of this kind with reference to what might be termed trunkline carriers before?

Mr. HARRIS. Yes. The grandfather clause that was adopted when the Civil Aeronautics Act was passed granted permanent certificates to all who were operating at that time. So we started out doing the same thing for those that were operating at that time.

Mr. KEATING. I thank the gentleman.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Connecticut.

Mr. MORANO. Will the distinguished chairman of the committee tell me whether there are any other permanent carriers going into Alaska?

Mr. HARRIS. Yes. Northwest Airlines operates between Seattle-Tacoma and Anchorage. The Northwest Airlines is permanently certificated for that operation. Pan American Airlines is permanently certificated to operate between Seattle-Tacoma and Fairbanks, Alaska, via intermediate points. However, Pacific Northern and Alaska Airlines, operate with temporary permits.

Mr. MORANO. The information I am seeking from the gentleman is whether or not these carriers would compete with carriers already holding permanent certificates?

Mr. HARRIS. Yes. The Board said they are necessary to compete with these other two lines that are operating under permanent certificate.

Mr. MORANO. Are the four lines, the permanent and the temporary, subsidized?

Mr. HARRIS. Northwest is not being subsidized. They are out from under subsidy. The Pan American has been under subsidy on this route but we were informed by the Board during the hearings that since October 1, 1956, Pan American has been off subsidy. The Alaska Airlines that would be affected by this bill is being subsidized, and so is the Pacific Northern Airlines.

Mr. MORANO. Will the permanent certification of the airlines contained in this bill result in permanent subsidies?

Mr. HARRIS. We think it will reduce the Federal subsidies, it will give them an opportunity to develop their service and obtain the equipment needed in order to reduce the subsidy requirements.

Mr. MORANO. The gentleman is saying that if we pass this bill there is a chance that we can reduce the subsidies to the carriers in that area?

Mr. HARRIS. That is the objective we seek. It is the same objective we sought with the local airlines, those in Alaska and Hawaii.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not true that the two Alaska lines dealt with here that have only temporary certificates are already in competition with the two that have permanent certificates?

Mr. HARRIS. Yes.

Mr. JUDD. So what we are trying to do is to remove the unfairness of the competition to which they are subjected through not having permanent certification.

Mr. HARRIS. That is correct.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Alaska.

Mr. BARTLETT. When hearings were held on this bill, did representatives of any other competing airlines appear in opposition?

Mr. HARRIS. No, we had no opposition from any other competing airline or from anyone else, other than the reports that we received from these agencies of the Government referred to.

Mr. MORANO. Then the gentleman is making the categorical statement that the other two carriers at present permanently certificated have not opposed this measure?

Mr. HARRIS. That is true. There is nothing in this record at all or any information we have from any of them opposing this legislation.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Minnesota.

Mr. WIER. Coming from Minneapolis, which is one of the focal points of Northwest Airlines from New York to Japan, I certainly trust that this legislation will receive favorable action here today, because I presume the same applies to other metropolitan cities along the route of the Northwest Airlines. They are living today and have been for years by the grace of the Commission and nothing else, and we learned in Minneapolis that the investments that they would like to make at permanent points will amount to a considerable sum in the future.

Mr. HARRIS. I thank the gentleman for his very timely statement.

Mr. Chairman, this bill is not intended to grant certificate rights in perpetuity to the carriers concerned. Permanent certificates which would be awarded by the legislation would be subject to the Board's powers of revocation and suspension for failure to comply with the provisions of the act or the terms of the certificate as provided by section 401 (h) of the act. This is as follows:

> (h) The Authority, upon petition or complaint or upon its own initiative, after notice and hearing, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate: *Provided*, That no such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Authority, with an order of the Authority commanding obedience to the provision, or to the order (other than an order issued in accordance with this proviso), rule, regulation, term, condition, or limitation found by the Authority to have been violated. Any interested person may file with the Authority

a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a certificate.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Arkansas has quite fully and fairly stated the situation which confronts us concerning this legislation. We are following a precedent of the last session of the 84th Congress wherein we dealt with this problem concerning some of our air carriers, who were suffering under temporary certificates, by passing legislation which authorized a permanent certificate to 14 local carriers in this country, 6 local carriers in Alaska, and 1 carrier in Hawaii. In all our vast air system, the 3 passenger carriers involved in this bill are the only passenger carriers that are not now on permanent certificates. As the gentleman from Arkansas [Mr. HARRIS] has so well stated, they are confronted with coming in every 3 or every 5 years at a cost of about $100,000 to each of them to get an extension of temporary certificates. The money which is spent in that connection, of course, means that they are not going to get off of subsidy if they have to go through that expense every 3 to 5 years.

And we have this situation, too. The Civil Aeronautics Board has never seen fit to grant a permanent certificate to any carrier. I am speaking of a certificate of this nature. Under section 401 of the Civil Aeronautics Act of 1938, they are specifically charged with the responsibility of issuing certificates of public convenience and necessity; and yet, except for a route or service extension, in the 19 years since that act was passed, the Board has never seen fit to grant to any carrier applicant anything more than a temporary certificate. That is why Congress felt dutybound to legislate upon these other routes. This bill should have been passed in the last session of the Congress. It passed the other body but was not taken up in the House.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from North Dakota.

Mr. BURDICK. Having heard the gentleman from Minnesota present this matter, I want to associate myself with him in the sentiments he has expressed on this legislation.

Mr. O'HARA of Minnesota. I thank the gentleman.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman.

Mr. NORBLAD. Do I understand that Northwest does or does not have a permanent certificate?

Mr. O'HARA of Minnesota. Northwest has a permanent certificate on the west coast, but on the inside route from Minneapolis to Edmonton to Anchorage, it is only on a temporary certificate which expires the 1st of July next year.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I am happy to yield to the gentleman from New York.

Mr. KEATING. I would appreciate it if the gentleman would address himself to this fundamental proposition. Basically what troubles me about the legislation is that we have set up the CAB to decide the very matters which it would seem to me are being called on to decide here in this body. In other words, why is it that the Congress is in the business of deciding when certificates should be made permanent or what certificates should be granted when we have an established administrative body set up for that purpose?

Mr. O'HARA of Minnesota. The gentleman heard me say that in the 19 years they have never granted a permanent certificate. May I say to the gentleman from New York that the CAB recommended the passage of this legislation last year; recommended the permanent certification of these other 14 local carriers and the 6 in Alaska; but have reversed themselves this year and opposed this legislation.

Mr. KEATING. Do I understand that last year they favored this legislation?

Mr. O'HARA of Minnesota. They favored the passage of this legislation; yes, sir, and so testified.

Mr. MACK of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman.

Mr. MACK of Illinois. Perhaps this will clarify some of the points raised. This was in the hearings last year at which time our committee considered the two bills, H. R. 9252 and H. R. 9253. One bill was identical to the bill we are now considering and the other bill was the bill that passed last year to grant permanent certification to the local intra-Alaska carriers. The Chairman of the CAB was testifying and he said:

> Mr. Chairman, in conclusion I would like to summarize the Board's position, that permanent certification as provided for in H. R. 9252 and H. R. 9253 for carriers operating in Hawaii and Alaska, and between the United States and Alaska, would be in the national public interest at this time.
>
> Mr. HARRIS. I suppose then the formal question would be: Why you do not go ahead and issue it to them?
>
> Mr. ADAMS. Well, Mr. Chairman, we would find it appropriate to issue such certificates at the time of a route case that was being sent to the President in each one of these carriers affected. It would not be a normal proceeding for the Board to set such a matter down by its own motion. In the past, the Board in some of the cases, has recommended to the President that a permanent certificate be issued. In some cases it has recommended that a temporary certificate be issued.
>
> However, inasmuch as this legislation is of this date and affords an opportunity to treat the entire subject, the Board concurs in the passage of the legislation and finds it in the public interest.

Mr. O'HARA of Minnesota. I thank the gentleman.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Connecticut.

Mr. MORANO. For how long is a temporary certificate valid?

Mr. O'HARA of Minnesota. This is the strange thing. We have the 3 carriers involved with temporary certificates; Alaska and Pacific Northern are operating under 5-year certificates and Northwest on their so-called inside route or segment 2 route is operating only for 3 years. So they vary. I think at times they have made it for as short as 18 months.

Mr. MORANO. Is the validity of a temporary certificate at the discretion of the CAB?

Mr. O'HARA of Minnesota. I suppose it is a matter that has to be continued. If a temporary certificate is issued by the Board, they would then have to reconsider it sometime before their term ran out on them.

Mr. MORANO. Are they revokable?

Mr. O'HARA of Minnesota. I think they are for a definite length of time. During that time they are not revokable. That is about all you can say. But there is no assurance under them. These airlines who are operating on a temporary certificate never know and cannot make firm commitments. They have not any assurance for the period beyond the expiration date of the temporary certificate.

Mr. MORANO. Is the distinguished gentleman then saying that that might be the valid reason for the enactment of this legislation, to give some assurance of a definite date?

Mr. O'HARA of Minnesota. It is one of the very important things to be considered here.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Wisconsin.

Mr. LAIRD. Is it not true that in planning for aircraft procurement on these routes it is almost impossible for an airline to operate these routes effectively if they cannot plan for more than 3 or 5 years?

Mr. O'HARA of Minnesota. That is right. They have to go in and make their financing and banking arrangements for a longer period of time. Oftentimes they will wait 3 to 5 years before they get the type of plane they want to get.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Alaska.

Mr. BARTLETT. Is it not true that originally, in 1955, when these certificates were being renewed on a temporary basis, the Civil Aeronautics Board suggested a 3-year renewal for Pacific Northern Airlines and 3 years for Northwest, and the Board itself extended the first 2 for 5 years and left Northwest with 3 years? Under the 3-year extension they could not have had any financing at all, and the situation has not been notably improved under the 5-year arrangement.

Mr. O'HARA of Minnesota. That is right.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Oregon.

Mr. NORBLAD. How many years have these lines been operating into Alaska?

Mr. O'HARA of Minnesota. Alaska and Pacific Northern, for over 25 years.

Mr. NORBLAD. Under a temporary certificate?

Mr. O'HARA of Minnesota. They have operated since 1951 in the States-Alaska operation, both of them, on a temporary certificate.

May I call your attention to the action of the Board. The Civil Aeronautics Board when these extensions were granted strongly recommended the continuation of this service. I presume the Delegate from Alaska will go into some of the language used by the Civil Aeronautics Board in that connection. From a national-defense standpoint, we have the testimony of General Twining, who testified in the hearings of the Civil Aeronautics Board, and General Atkinson, as to the very great need in national defense for this Alaskan service.

Mr. TOLLEFSON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield to the gentleman from Washington.

Mr. TOLLEFSON. I desire to commend the committee on the action it has taken in approving this bill and bringing it to the floor of the House for action. It has seemed to me to be wholly unfair and inequitable to expect these companies to operate continuously under temporary certificates.

Mr. O'HARA of Minnesota. And competing against airlines operating under permanent certificates.

Mr. TOLLEFSON. Is it true that if they are granted permanent certificates they can operate much more efficiently and effectively and at less cost?

Mr. O'HARA of Minnesota. And certainly with much more assurance, if they are going to be able to reduce their subsidy payments, those that happen to be on subsidy.

Mr. TOLLEFSON. That is the point I wanted the gentleman to make.

Mr. O'HARA of Minnesota. The gentleman is exactly right.

Mr. O'HARA of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman from Washington [Mr. WESTLAND] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WESTLAND. Mr. Chairman, I am pleased to rise in support of H. R. 4520. Passage of this bill, which would grant permanent certification to those airlines operating continuously between the United States and the Territory of Alaska since January 1, 1956, under a temporary certificate, will be of substantial benefit to Northwest Airlines, Alaska Airlines, and Pacific Northern Airlines, all of which are operating under the above conditions.

Since the fall of 1953, air transportation has been the only means of travel for persons wishing to go to Alaska, except for the long trip by automobile over the Alaska Highway. Moreover, the Territory has no rail connection with the United States and the States-Alaska airlines provide the only means for fast transportation of freight. Accordingly, the people of Alaska have come to depend upon air traffic to the States for many essential services.

Two years ago Congress passed an amendment to the Civil Aeronautics Act granting permanent certificates to the local service airlines, and during the last session amended the act further to grant permanent certificates to intra-Alaska and intra-Hawaii airlines. The hearings, in connection with both of these pieces of legislation, developed a great mass of evidence indicating the problems under which those carriers labored in operating under temporary certificates. The temporarily certificated States-Alaska carriers are presently beset with identical problems of unavailability of financing, insecurity of personnel, and waste of time and money in recurrent certificate renewal proceedings, and they deserve to be relieved of these problems to the same extent as the other two classes of carriers have been relieved.

I believe the temporarily certificated States-Alaska carriers would be in a much better position to continue the improvement of their services if their certificates were to be made permanent. The Territory of Alaska will continue to progress industrially and grow in population, which in turn means that its need for air transportation to and from the States will continually increase. Security and stability for the operating rights of carriers performing this essential service would make a substantial contribution to the welfare of the whole Territory of Alaska, and I believe would be in accordance with the best interests of those areas of the United States served by those routes.

It is entirely possible that within the near future Alaska may be granted statehood. If this occurs, the importance of permanent certification will be even greater. In fact, if Alaska had been a State at an earlier date, it is probable Alaska and Pacific Northern Airlines would have been included as feeder airlines and thereby granted permanent certification as local service airlines.

Mr. Chairman, I have a further interest in this legislation. Alaska Airlines has its main stateside terminals at the Snohomish County Airport—Paine Field—located in the Second District of Washington, which I have the honor to represent. In addition, the maintenance and repair shops for the airlines are located at the Snohomish County Airport. This is a large and active enterprise, representing an annual payroll of well over $1 million. Furthermore, Alaska Airlines has recently disclosed that it plans to expand its operations at Paine Field substantially, including broadening of its maintenance and repair activities and establishment of a freight terminal. I bring these facts up, Mr. Chairman, to indicate Alaska Airlines is an important segment of the economy in our area and is an expanding organization, performing a vital service to the Pacific Northwest and the Territory of Alaska and deserving of permanent certification.

There is one additional point which I want to mention at this time, Mr. Chairman. At the present time Pan American Airways enjoys permanent certification on the States-Alaska run. It seems to me only consistent with fair competition and adequate service that the present temporarily certificated carriers, which have proven themselves to be competent and necessary in the handling of States-Alaska air traffic, should be granted permanent certification also.

I believe H. R. 4520 to be necessary and proper legislation and strongly urge its approval.

Mr. HARRIS. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Minnesota [Mrs. KNUTSON].

Mrs. KNUTSON. Mr. Chairman, I favor H. R. 4520 which would grant permanent certification to three States-Alaska carriers—Pacific Northern, Alaska Airlines, and Northwest Airlines. The routes involved are Seattle-Alaska routes for the first two carriers, and the inside Minneapolis-Edmonton-Anchorage route of Northwest.

Permanent certification is essential to these carriers in order that they may develop their routes in an orderly manner and make long-range plans for the purchase of necessary equipment. Permanency for Northwest on the inside route will permit the more rapid development of the Twin Cities as a gateway to Alaska and, ultimately, the Orient. From this standpoint the bill is of great economic importance to the State of Minnesota.

Permanent certification for the States-Alaska carriers is appropriate since this group alone is now required to operate without the security of permanence. The Congress previously has granted permanent certificates to the local service carriers and to the intra-Alaska carriers.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. MCCARTHY].

Mr. MCCARTHY. Mr. Chairman, I commend the committee for its favorable and prompt action on this bill. The inside route to Alaska was originally developed as a matter of the essential defense of this Nation and our Territory of Alaska.

During World War II, it was mandatory that the most rapid logistic communications be established and maintained between the United States and Alaska. An inside route by air was considered essential to our national defense. The United States also built the Alcan Highway for the same purpose.

The War Department asked air carriers to consider this route to Alaska, and Northwest Airlines responded and was awarded the duty of flying this inside route for the Government. After the war, Northwest Airlines continued to fly this route under temporary certification by the Civil Aeronautics Board as a commercial enterprise. A 7-year certification was granted to the airline, and this temporary certification was extended for 3 years when it was to expire.

Now it is proper that the Congress grant this certification on a permanent

basis for several reasons. The route was pioneered and developed by Northwest Airlines as a contribution to national defense. The experience of the airline in flying the cold areas of the continent was put to practical use for the country, and the inside route was developed for the military. Northwest thus added to their experience in cold-weather flying, and has continued to gain this experience over the 10 years that they have flown this route commercially since the end of World War II.

Second, every airline wants the shortest transcontinental routes possible, and it is in the national interest that these economical routes be developed. The inside route to Alaska is one of these routes. It is a leg of the shortest route to the Orient, an area that is increasing in importance and influence in the world.

Third, the inside route to Alaska is a logical extension of the routes flown by Northwest Airlines. Traffic has continued to build up on this route, and this buildup will continue. To meet the demands of this traffic, as well as the demands of our national interest, an airline must be able to plan far into the future. It must design and order special equipment to fly the cold northern routes. Without permanent certification, it is impossible for an airline to make the commitments necessary for this equipment. Permanent certification will help develop air service in the national interest and as a commercial enterprise in this area of the world.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I think the bill has been so well covered by the gentleman from Arkansas [Mr. HARRIS] and others that I will not use the full 5 minutes.

The southern terminus of the lines into the Seattle-Tacoma area being in my district, I should like to take a minute or two to emphasize the unique character of the service given by the Alaska Airlines and the Pacific Northern Airlines, which I am sure is the case with the Northwest Airlines in its service to Alaska. First of all, we have to bear in mind that since this original operation was set up passenger service by ships has been discontinued. Therefore, since there is no railroad, and to all intents and purposes there is no highway and no buses, this is the only form of passenger service to our great Territory of Alaska.

I hope you will recall, too, that many of the communities in Alaska are completely isolated. They are not connected with each other by roads and to some extent, of course, the service is seasonal. Therefore, I think in terms of the distance involved, we have to recognize that you are coming into jet transportation. In any event, we are certainly in the era of more expensive airplanes and equipment for the lines and the cost of operation. These particular airlines have done a very excellent job in serving Alaska. The whole record is replete with that. I think they are fully entitled to have now the same privileges which were originally given to some of the older air services. I hope, too, consideration will be given to the fact that historically the CAB has not been willing to give permanent certification. The whole policy of subsidy to airlines, of course, is to create low-cost mass transportation. We think in this case we have it. I think we are in the position that what we need now is to give the companies a chance to give better service. This legislation certainly will stabilize the service to Alaska and will give the public the benefit of that better equipment and that stabilization. So, I urge those Members who might normally be a little reluctant because it has not had the full support of the CAB to recognize that historically no services of this nature have had permament certification given them and it is the prerogative of the Congress of the United States to do that. After all, the CAB is an arm of the Congress. We have been abrogating our responsibility in not seeing that established businesses and lines, such as are involved in this particular legislation, were granted the full privilege of permanent certification.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield.

Mr. HOLMES. I congratulate the gentleman from Washington for the clear and concise way he has outlined the importance of this matter to the Territory of Alaska. I join with him in urging the Members to support this legislation which we, in the Northwest, who have been working with Alaska on this matter, think is extremely important to the Territory of Alaska.

Mr. PELLY. I am always glad to have the support of my colleagues from the State of Washington and particularly those who are in the area in the eastern part of the State.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield.

Mr. HORAN. I would like to join in the compliment which my colleague, the gentleman from Washington [Mr. HOLMES] has paid and to associate myself with his remarks. I, too, urge the Members to support this measure.

Mr. PELLY. I thank the gentleman. My two colleagues from the State of Washington by their remarks indicate their recognition of the fact that as a State and as an area, we are all interdependent on each other and what benefits one benefits the other. I do, indeed, thank you both.

Mr. HARRIS. Mr. Chairman, I yield to the delegate from Alaska [Mr. BARTLETT], a cosponsor of the legislation together with the gentleman from Minnesota, 10 minutes.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am glad to yield to my friend and colleague, the gentleman from California.

Mr. SISK. Mr. Chairman, I wish to congratulate the committee for the work they have done on this legislation and for bringing it to the floor. Certainly, it is legislation which I hope passes expeditiously. I happen to have had an opportunity to use the service both of the Pacific Northern Airlines as well as the Alaska Airlines. They are doing an outstanding job for that particular area of our country—an area, which I might say, is very much in need of additional transportation services. I think they are entitled to be able to make some long-range plans in order to increase their service which is so badly needed by the Territory of Alaska. I deeply appreciate the action of the committee in bringing this bill to the floor.

Mr. BARTLETT. I thank the gentleman for his contribution.

In the first place, I want to thank sincerely the distinguished chairman of the committee, the gentleman form Arkansas [Mr. HARRIS], for his leadership in bringing this bill to the floor.

Likewise, I want to thank the gentleman from Minnesota [Mr. O'HARA], the author of the bill, for introducing H. R. 4520, which is a companion measure to the one which I introduced.

Every point, in substance, in connection with this bill, has been adequately explained to you. There are a few other matters upon which I should like to dwell.

In my opinion, the enactment into law of this bill will round out what I consider to be a grand plan, no less, for the development of civil aviation in the United States.

First, there was a bill that provided for permanent certification for the local feeder carriers. Then last year there was a bill to provide similar certification for the intra-Alaska and intra-Hawaii carriers, and now we have this measure before us.

Previously the Civil Aeronautics Board, which last year approved this legislation and is now opposing it, reported as follows to the Congress:

> The reasons which led the Board to issue temporary rather than permanent certificates to air carriers operating between the United States and Alaska are in general of the same nature as those which formed the basis of the Board's policy for temporary certification of the local service carriers operating within the United States.

Those reasons no longer obtain by reason of the fact that the bill providing permanent certification is law. But we do have a feeling that if left to the Board this matter may be a long, long time in being settled.

There is as much right in this bill as there was in the two previous bills. In 1955, in passing upon the permanent certification for Northwest Airlines on the route from Seattle to Anchorage, the Board said, in part:

> Air service from the States to Anchorage is a matter of prime importance to the economy of Alaska and the national defense interests of the United States. The granting of a certificate to Northwest on only a temporary basis would of necessity imply that we, the Board, might some day decide not to renew Northwest's authority to serve this route, (a) because the route was not warranted, or (b) the carrier's performance on the route was not satisfactory. Neither of those alternatives appears to be a reasonable eventuality.

And the Board has never contended, to my knowledge, that the service being performed by Pacific Northern Airlines from Portland and Seattle and Tacoma to Anchorage, or Alaska Airlines from Portland and Tacoma and Seattle to

Fairbanks, or by Northwest along the inside route is other than necessary.

I do not believe there is the slightest intention on the part of the Board to revoke any of those services, but so long as they must operate under a temporary certificate, they are at a grave disadvantage. For example, PNA wants to build a substantial hangar at the Tacoma-Seattle Airport. Financing is very difficult when this company has only 2 years of a temporary certificate to run. Alaska Airlines is competing on the route to Fairbanks with DC–4's. True, it has on order two new DC–6's, but they are not in service.

It stands to reason that the company will do better with modern equipment when it competes with the common carrier which has modern equipment.

As to the national defense aspects of this situation, a report made to the committee and printed in the report before you from the Assistant Secretary of the Air Force, said:

> However, the Department of Defense is aware of no adverse effect which its enactment would have upon its operations and, therefore, has no objection to the bill.

Back in 1950, General Twining was Commander in Chief of the Alaskan Air Command in Alaska. They had a CAB hearing up there and General Twining testified. I wish to read a few excerpts from his statement to the Board. General Twining said:

> Air transportation is vital to the development of the territory between Alaska and the United States.

Later he said:

> The development of commercial airlines in peacetime will develop the facilities that will be required in war. We would like to see as many air routes from Alaska back to the United States as you can possibly support in peacetime. Then when the emergency comes they will be available for defense.

I suggest that if for no other reason than to carry out the recommendation of General Twining in behalf of national defense, this bill ought to be passed.

Again, General Twining said:

> It is a genuine interest of the military that they feel in favor of the development of the airlift, the commercial airlift, from the States to the Territory.

General Twining said also:

> I would like to see as many as the traffic can support.
>
> I certainly think it ought to be more than two.

As the gentleman from Washington [Mr. PELLY] said, Alaska is peculiarly dependent upon air transportation. We have no passenger steamship service to western Alaska at all; you go by air, or you go by car over the Alaska Highway, which means that most people going to the Territory or coming from the Territory are required to fly.

It was stated to the committee that if the use of airplanes were as great in the United States as in Alaska, the entire population of the United States would be airlifted once a year. That will give you an example of how the airplane is used there and needed there.

Many sections of the Territory have no roads at all, as you know, and there would be no transportation of consequence or any at all in some cases if the airplane were not available.

I know of nothing that could be done to put these substantial carriers in a better competitive situation for their own good, for the good of their stockholders, for the good of the public in Alaska, and in the interest of the military situation in Alaska than to enact this bill into law.

None of these companies are Johnny-come-lately companies: Northwest is one of the oldest in the United States; Alaska Airlines, and Pacific Northern have been operating within the Territory of Alaska for more than a quarter of a century. They are stable, they are there to stay, but they need the help that this bill and this bill alone can give.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. The airlines which will benefit by this bill are at the present time and have been for a number of years past an integral part of the basic economy of the Territory of Alaska. Is that correct?

Mr. BARTLETT. That is absolutely correct, and well stated.

Mr. SAYLOR. And if this bill is passed it will lend a degree of real stability not just to these airlines but also to the Territory of Alaska and to the people up there.

Mr. BARTLETT. That in my opinion is an absolutely factual statement.

Mr. SAYLOR. I would be delighted to join in support of this bill and urge that it be passed very speedily so that the people of Alaska can get the benefits to which they are entitled.

Mr. BARTLETT. I thank the gentleman.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I rise in support of the pending legislation. There are two vital matters that have not been mentioned in the development of business. Wherever it is in Alaska, due to the necessity of traveling by air, these businesses must be able to plan on permanent bases. The only way in which Alaska can expand and attract business is to have air transportation. The permanent certification of the lines mentioned in this bill is necessary if we are to have a physical development of the Territory of Alaska and particularly if it is to become a State.

In the second place, the municipalities at the present time that do have airports and are considering expansion, and those communities which do not have airports but consider putting airports in, have to know whether or not these airlines are going to be permanent or temporary. That seems to me a second good and valid reason why these airlines should have a permanent certificate.

There seems to be a few on the floor here this afternoon who are somewhat disturbed that we do not allow the CAB to determine all of the factors with respect to permanent certification. It has never been the policy of this committee to overrule any designated agency of the Government which has as a part of its business making any possible route permanent, and that includes the permanent certification of airlines. However, the committee does feel that it and this Congress has the responsibility to review the actions of the CAB periodically, and if we do not feel they are complying with the spirit of the law in granting permanent certifications when they are necessary, we feel it is the duty of the Congress to enter and get legislation through the Congress which will give these airlines permanent certification. We feel that the legislative responsibility is ours. We do in all instances give the CAB years of opportunity in which to determine whether or not they believe in their own estimation these airlines ought to have permanent certification.

I think the historical review of what has been done in the last 19 years indicates that the CAB has never granted permanent certification to any of these lines, they have not granted all of the permanent certificates that perhaps should have been granted thus far and it has been the duty of the Congress where the airlines have gotten a permanent certificate to get it through the Congress.

It is for these reasons and those that have been enumerated here before that it appears to me this legislation is in the best interest of all the country, and especially Alaska.

Mr. HALE. Mr. Chairman will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Maine.

Mr. HALE. I want to commend the gentleman's statement. I am interested in this legislation. I sat through the hearings this year and in the 84th Congress and I think this is a singularly meritorious piece of legislation which should be of great advantage to the Territory of Alaska as well as to the United States. Also I particularly commend the statements made by the Delegate from Alaska [Mr. BARTLETT], who has been most helpful to our committee in its consideration of this legislation, as well as of the legislation which was passed last year for the permanent certification of various intra-Alaska airlines.

Mr. HARRIS. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Speaker, H. R. 4520 is legislation in which the city of Portland, Oreg., has been interested for some time. It is legislation, indeed, which is not only important to Portland and other sections of my State of Oregon but to the entire Pacific Northwest as well as to Alaska.

Since the fall of 1951 Portland has had direct air service to Alaska on the Alaska Airlines and Pacific Northern Airlines. They have become vital links in the chain of commerce between Portland and Alaska. The growth of trade on this route, particularly in perishables, has been a development of great economic value and importance to our area. Only air service is adequate to serve these markets and maintain this trade.

Mr. Speaker, the people of Portland regard this service as vital to their interests and well being. Unfortunately, temporary certification has been a major handicap to the development of these two airlines. With permanent certification the lines could plan and finance on a long-range basis for better, faster, and more dependable service. By the same token, businessmen could lay their plans on a long-range basis.

The port of Portland International Airport has an investment past and planned of over $18 million, which is directly dependent in part on the future of these airlines.

It is my firm conviction that if the carriers operating between the States and Alaska are to render the service necessary to trade, commerce, and the national defense, they must be relieved of the uncertainties implicit in short-term certificates. The instability inherent in their present temporary status not only handicaps the carriers in obtaining resources to expand and develop their services but also inhibits the public in placing reliance upon these services.

The need, I am convinced, is great and this legislation should have been passed in the last Congress. I, therefore, urge passage of H. R. 4520.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Chairman, this is very desirable legislation, and I commend the committee for the very fine work it has done on it.

The States-Alaska air carriers stand today as the only long-established carriers still operating without permanent certificates. Passage of H. R. 4520 will remedy this existing inequity.

Mr. Chairman, the future development of the Territory of Alaska requires the continued operation of Alaska Airlines and Pacific Northern. The findings of the Civil Aeronautics Board provide adequate testimony to this thesis.

Nor can we overlook the importance of the continued operation of the States-Alaska air carriers under permanent certificates to the State of Oregon and the Pacific Northwest in general. The constant increase of air traffic between Oregon and Alaska and the growing economy of both areas require the continuation of these airlines. Added to these important considerations, we have the requirements of national defense—requirements which would clearly be served by the granting of permanent certificates.

Consequently, I feel that H. R. 4520 is sound legislation and urge its passage.

Mr. HARRIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, I think that by this time the Members of the Committee recognize the wisdom and the logic and the justice of this proposed legislation, and I am not going to labor further any of the very effective arguments which have been made in its behalf. I strongly urge the enactment of this proposed legislation. So far as I know, there is no excuse for requiring these airlines to operate under the uncertainties and the handicaps of temporary certificates. Whether the Civil Aeronautics Board recognizes the fact or not, Alaska is here to stay, Alaska aviation is here to stay, and I urge that we do what we can to put Alaska aviation on a stable basis.

Mr. Chairman, a principal need for permanent certification of these carriers serving Alaska is to provide a stable operation which will enable these airlines to make long-range plans for the purchase of new equipment, the construction of hangars and other operational facilities which will have a direct beneficial effect on the economy of the Territory of Alaska and the Nation.

Such long-range financing has been extremely difficult for these carriers to obtain due to the uncertainty of their operation under the present temporary certification. It is well established that their management is capable and that cargo and passenger service have met the demands of the air traffic to and from Alaska, which has increased tremendously in recent years.

I strongly urge the enactment of this legislation.

Mr. O'HARA of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. O'BRIEN].

Mr. O'BRIEN of New York. Mr. Chairman, I just want to associate myself with those who have urged approval of this legislation. As a member of the Committee on Interstate and Foreign Commerce, I am convinced that anything we do to help the economy of Alaska will help the economy of the entire Nation. I would also like to point out that the people of Alaska probably are the most air-minded people anywhere in the world. The women in Alaska very frequently fly into town to do their week's shopping. I think this is excellent legislation not only for Alaska and the Northwest but the entire Nation.

Mr. HARRIS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 401 (e) of the Civil Aeronautics Act of 1938, as amended (49 U. S. C. 481 (e)), is amended by adding at the end thereof the following:

"(5) If any applicant who makes application for a certificate with 120 days after the date of enactment of this paragraph shall show that, from January 1, 1957, until the effective date of this paragraph, it, or its predecessor in interest, was an air carrier continuously operating as such (except as to interruptions of service over which the applicant or its predecessor in interest had no control) under a temporary certificate of public convenience and necessity authorizing it to engage in air transportation with respect to persons, property, and mail between points in the continental United States and points in the Territory of Alaska, the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during such period was inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation with respect to persons, property, and mail between the terminal and intermediate points between which it or its predecessor so continuously operated between January 1, 1957, and the date of enactment of this paragraph."

With the following committee amendments:

First page, line 10, strike out beginning with "continuously" all that follows down through and including "Alaska," on page 2, line 7, and insert in lieu thereof the following: "furnishing service between points in the United States and points in the Territory of Alaska (including service to intermediate points in Canadian territory) authorized by certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board to render such service between such points, and that any portion of such service between any points or for any class of traffic was performed pursuant to a temporary certificate or certificates of public convenience and necessity issued by the Civil Aeronautics Board."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 13, strike out beginning with "so continuously" all that follows down through and including "paragraph" on line 15 and insert in lieu thereof the following: "was temporarily authorized by such certificate or certificates as of the date of enactment of this paragraph."

Mr. HARRIS. Mr. Chairman, I offer a substitute to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS as a substitute for the committee amendment: On page 2, line 22, strike out beginning with "so continuously" and all that follows down through and including the word "paragraph" on line 24, and insert "was temporarily authorized to operate by such certificate or certificates as of the date of enactment of this paragraph."

The amendment was agreed to.

The committee amendment as amended by the substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4520) to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska, pursuant to House Resolution 308, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LIMITING PAYMENTS TO CERTAIN BENEFICIARIES OF CERTAIN VETERANS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 72) to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary. After general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. H. CARL ANDERSEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 140]

Anderson, Mont.	Dooley	Moss
Barden	Eberharter	Mumma
Bates	Farbstein	O'Konski
Beamer	Fino	Pillion
Blitch	Flood	Powell
Boland	Gray	Prouty
Bowler	Halleck	Shelley
Celler	Healey	Smith, Miss.
Cole	Holtzman	Steed
Coudert	James	Teller
Dawson, Ill.	Kearney	Thompson, N. J.
Diggs	Kearns	Thornberry
Dingell	Kluczynski	Vinson
Dollinger	Machrowicz	Westland
	Mailliard	

The SPEAKER. Three hundred and seventy-nine Members are present, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LIMITING PAYMENTS TO CERTAIN BENEFICIARIES OF CERTAIN VETERANS

The SPEAKER. The gentleman from Missouri [Mr. BOLLING] is recognized.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT] and at this time yield myself such time as I may consume.

The SPEAKER. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Speaker, House Resolution 245 provides for the consideration of H. R. 72, reported with an amendment from the Veterans' Affairs Committee with one vote against the measure.

House Resolution 245 provides for an open rule and 2 hours of general debate on the bill.

The purpose of H. R. 72 is to prevent payments of gratuities which are held for the credit of a beneficiary of the Veterans' Administration who is under legal disability, from being paid upon the death of the beneficiary to any person other than the spouse, child, or children—adult or minor—or dependent parents of the beneficiary. I understand that an amendment will be offered to eliminate the word "dependent" before "parents." Where there is no spouse, child or parents, such funds, less debts and expenses of administration of the estate, will revert to the United States. The gratuities affected are compensation for service-connected disability or death, pension for non-service-connected disability or death, emergency officers' retirement pay, servicemen's indemnity, and retirement pay. The amendment to the bill clarifies the intent of the bill to specifically exclude United States Government life insurance or national service life insurance.

A study was made by the Veterans' Affairs Committee which indicates there are hundreds of cases involving sizable estates derived from compensation and pension which are held for incompetent veterans who have no close relatives. Cases are cited in the report of large estates going to distant relatives, many in foreign countries, who have had little, or nothing to do with the beneficiary during his lifetime. The committee report states that it has never been the intent of Congress that veterans' benefits should be accumulated for distant relatives.

I believe it should be pointed out that the bill will, in no way, affect any veteran adversely. He will, upon recovery from his legal disability, receive the full benefits of the money paid to his account.

It is impossible to estimate the savings which will accrue to the United States, but it appears that millions of dollars over the next few years will revert to the Treasury.

The committee report complies with the Ramseyer rule and I urge the adoption of House Resolution 245 so the House may proceed with the consideration of this bill.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, I would like to point out to the House something to remember as the horrible or the so-called horrible parts of this bill are pointed out. This bill passed the House last year under suspension of rules and without a rollcall vote. Five of the finest members of the Veterans' Affairs Committee worked on this bill for months. It is the result of analyzing thoroughly our veteran laws and trying to find some way to save money in our veterans' program. The gentleman from North Carolina [Mr. SHUFORD], the gentleman from North Carolina [Mr. WHITENER], the gentleman from California [Mr. SISK], the gentleman from Indiana [Mr. ADAIR], and the gentleman from Nebraska [Mr. WEAVER] were the gentlemen who worked on this bill. If any Member of this House believes that these fine gentlemen would come here with anything but a bill favorable to the veterans, I think he would be greatly mistaken. This is a good bill. There are many Members trying to get away. If Members would get our report and take a look at it, there would not be any opposition to the bill.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 1 minute for the purpose of saying that I am in accord with the statement made by the gentleman from Missouri and the gentleman from Texas [Mr. TEAGUE]. The bill seems to be worthwhile and could affect a total sum in the hands of veterans of about $59 million, the latest available figure as of June 30, 1956.

Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Speaker, Government economy is and should be one of our first and foremost objectives. There is no one in this body more interested in true economy than I am, but I cannot accept the arguments we hear so often lately that the place to economize is at the expense of farmers and veterans. So many say we should start our economy with farmers and veterans, but I say that is the last place we should swing the economy ax. If there are any groups in this Nation who need help and understanding the most, these are the ones who need it. I have no sympathy for the so-called economy advocates who would destroy either our farm or our veteran programs.

Now look at the bill before us. It purports to recapture for the Treasury a vast sum of money now in the hands of guardians for minors and incompetent veterans. The committee report on page 3 cites a total figure of $543,599,044.38 but it does not break this down to show how much of that belongs to minors and how much to incompetents. The report does show that 237,751 minors and 110,287 incompetents are involved. Now, it seems reasonable to assume that these minors will shortly reach their majority and about two-thirds of these veterans will take title to their own property. Therefore, this high-sounding figure of over half a billion dollars is largely a fictional figure insofar as recapture by the Treasury is concerned. When you boil it all down, the $59 million held in special Treasury accounts for these veterans is about all that could be recaptured with any degree of certainty.

That being the case, let us set aside this fabulous figure of half a billion dollars and take a look at the real objectives of this bill. Look at the hearings on page 1361 and see what the Disabled American Veterans has to say about the proposal. That great organization of

service-disabled veterans had this to say, and I quote:

As to the propriety of H. R. 72, the DAV is firmly convinced that the provisions of the bill should be liberalized to eliminate the necessity of the parents showing dependency, and to include brothers and sisters among those who can inherit the accumulated estates of the deceased veterans under the circumstances contemplated by H. R. 72. There are numerous instances in the files of the Veterans' Administration where siblings have made many and long-continued sacrifices in behalf of their veteran relatives suffering from mental disease and to exclude them as proposed in the bill under consideration would unquestionably result in many cases of inequity and cause much merited criticism among veterans and their families. And it would seem to be even more indefensible to require parents to prove dependency upon the deceased incompetent veteran before sharing in the estate. We all know numerous instances wherein parents have suffered greatly financially and in other distressing ways due to the actions and medical demands of mentally incapitated children and for the Government to insist upon them establishing that dependency exists within the purview of H. R. 72 is going entirely too far, in our opinion. Accordingly, the DAV recommends against the approval of this proposed legislation in the terms presented to your commitee.

Think of that, ladies and gentlemen, this bill before us says that the mother, or father, of a veteran broken in mind and body by the horrors of war may not even inherit his estate unless they can prove their dependency upon him. Moreover, it says that a brother or sister could not inherit the estate under any circumstances. What kind of new law are we asked to write here today? Think of it. Even a veteran who had while in sound mind made his will would have that will nullified by this proposal. Why, this goes even beyond the recent decisions of the Supreme Court when it tied the hands of Congressional committees and of the Justice Department in the exposure and prosecution of Communists who seek to destroy our Nation.

This bill is not only against good conscience, but it is contrary to all the laws on inheritance we have so carefully developed through the years. Look at what the report has to say on page 4; and I quote:

The bill, will, however, effectively bar the building up of large estates to go to distant relatives having, in most instances, no real interest in the welfare of the veteran.

Note, ladies and gentlemen, that this bill would deny inheritance to any mother or father who could not show dependency upon the veteran son. How cruel to say that we are doing so to prevent these funds going, and again I quote, "to persons having no real interest in the welfare of the veteran." What mother in this land can stand before that charge of "no real interest" in her disabled son. Every Member of this body should be ashamed to have his or her name recorded as having voted for such a proposition, and I for one intend that a record vote be had on this proposal to show how few there are among us who would thus disparage the love of a mother for her hero son.

I intend also to offer amendments at the appropriate time to meet these objections as voiced by the Disabled American Veterans and by the conscience of so many of us here today. This bill should never have come out of committee, but now that it has we owe it to ourselves and our veterans and their families to see to it that its insulting provisions are cleaned up. Personally, I hope the whole proposition will be rejected as it should be.

This proposal to write new laws of inheritance applicable only to disabled veterans will not, in my judgment, benefit anyone other than the lawyers, the accountants, and the courts required to settle these estates. I am told that the subcommittee handling this bill was composed entirely of lawyers, and from my study of its provisions it will be nothing more than a bonanza for the other lawyers who will be required to carry out its provisions.

The report, on page 2, cites as a horrible example the case of a veteran with an estate amounting to over $250,000. Now, turn to page 19 of the report and see just who that veteran is. He is a poor, illiterate Negro veteran whose former guardian, and I am quoting from the report, "acquired about 150 acres of land for a nominal price with funds paid by the VA and the land proved to be in the east Texas oilfield." Note that only a "nominal price" was paid by a diligent guardian, so there is not much in the way of compensation payments involved in this estate. However, some 17 gushers were developed on this land and the estate is now worth at least a quarter of a million dollars and it is this estate that the proponents of this bill seek to take away from the otherwise lawful heirs of this veteran. They cite the case of this poor Negro veteran, whose guardian took a few dollars and built them up to a quarter of a million, as their prime example of the type of estates they propose to sieze. They know, and I know, that the Federal Government has no moral or legal right to confiscate that property and yet they use this as their example of what they seek to accomplish.

Stop and think for a moment what you would do if you were the guardian of this veteran. I am not myself a lawyer, but all of us know how very complicated these estate matters can become. All of us have read or heard of multimillion-dollar estates which have been completely destroyed by litigation and the fees of attorneys, accountants, experts, and court costs. We know that no guardian can voluntarily release an estate without running the risk of personal liability, so he must hire legal help to protect not only the rights of the heirs but also to protect himself. When these legal battles begin, they seldom end until the entire assets of the estate are exhausted and the result will be that not only will the Treasury get nothing but neither will the lawful heirs. What a field day for the lawyers—they will be the only ones to benefit.

Now, Mr. Speaker, the proponents of this legislation give the impression that this bill will reach out and recapture only the moneys paid out by the Federal Government. They make it sound quite simple as though all that would be necessary would be for the guardian or personal representative to simply write out a check and send it in for deposit in the Treasury. Nothing could be further from the truth, and I will show you why.

It is not reasonable to assume that all these incompetent veterans were paupers and owned no property of value other than their little pension check from the Veterans' Administration. Most of them will have owned businesses, homes, bank accounts, and other property. When declared incompetent, their guardian will have taken responsibility for all their property—not just the VA checks. Under the jurisdiction of the proper court, he will have taken care of that property and will have made investments and otherwise cared for the incompetent veteran's assets. The bill, on page 3, line 23, says that "such funds, and the proceeds of such property, shall revert and be returned by the personal representative to the Administrator of Veterans' Affairs, except that before making such return the personal representative shall satisfy the claims of creditors and the expenses incident to the administration of the estate of the deceased beneficiary from such funds and such proceeds if the other assets of the estate of the deceased beneficiary are insufficient for that purpose." Now that is high-sounding language but as I understand it the meaning is that the personal representative must go back into his records, if he has them, and determine which of the dollars or property involved came from the Veterans' Administration, which of the dollars or property earned grew out of those particular VA dollars, and then if he is able to do that to the satisfaction of the State court he must dip into the other assets of that veteran and pay all the costs of settling the estate. In other words, Mr. Chairman, this bill clearly says that it is placing this very costly proceeding upon the personal representative and that he must take the other assets of the deceased veteran and use them to pay the costs. Then, after the other property has been dissipated, he may use up the remaining assets to pay the costs.

By the time the lawyers, and the accountants, and the courts get through, Mr. Speaker, in 99 cases out of 100 there will be very little left for anybody. The only ones to benefit will be the experts handling the litigation involved—and no personal representative can avoid that litigation if he wants to protect his own rights in the matter.

What will the personal representative do when the VA dollars have been so completely merged and commingled with the other property that there is no reasonable way of separating them? What will he do when the State court finds it impossible to settle the estate and litigation goes on and on through the courts? These are some of the things we have to think about before we approve such far-reaching legislation as is here proposed. These are some of the things to think about before we create this nightmare of legal complications for these poor veterans, their families, and their guardians.

Think, also, ladies and gentlemen, of those unfortunate veterans who have been declared legally incompetent but

who have sufficient reason to know what is going on. What are you doing to them when you suddenly tell them that it will no longer be possible for them to leave their estates to their loved ones who have been so faithful in caring for them through the years?

Think of those veterans who made legal wills while still legally competent, and then to be told that those wills were nullified by an act of Congress.

Think of the mothers and fathers and brothers and sisters who would be told that they could not inherit from this unfortunate veteran because the Congress had confiscated his estate.

Think of the guardian who has so faithfully protected the interests of the veteran only to be told that the Congress has created a monstrous situation for him which will undoubtedly keep him in the courts for months and even years after the death of the veteran he seeks to protect. If we should pass this bill, Mr. Speaker, I doubt that any man in his right mind himself would ever agree to become the guardian of an incompetent veteran in the future. If he did, I think he would be well advised to either get the court's approval for spending the money as fast as it came in or he would lock it up in a vault and not go near it until time to take it out and hand it over to the Treasury.

Finally, Mr. Speaker, let us look at the constitutionality of this proposal to confiscate funds paid out in good faith in previous years. The report itself, beginning on page 4, recognizes the seriousness of this question. The Comptroller General, in his report found on page 36, suggests that the bill apply only to future payments because of this question. The Administrator of Veterans Affairs, in his report beginning on page 37, repeats that agency's objections to the retroactive feature—and if you study the hearings you will find the legal experts of the Veterans' Administration firmly opposed to that feature. The Bureau of the Budget, on page 41, repeats the objections of the Veterans' Administration and the Department of Justice to the retroactive action. The Attorney General, in his report beginning on page 42, joined in recommending that the bill apply only to future payments. That specific recommendation can be found in the first paragraph on page 45.

In spite of this unanimous opinion from the executive department of our Government, the committee brings before us a bill proposing to confiscate all the money paid out to guardians through the years since World War I. A shocking disregard for competent legal authority is manifest in this proposal.

To sum up, Mr. Speaker, I repeat my charge that this bill will be nothing more than a bonanza for lawyers and accountants. The costs of administration, both to the Federal Government and to the estates of the veterans involved, may well exceed the total amounts involved. We must, therefore, come to the inescapable conclusion that this proposal is nothing more than an undisguised attempt to dissipate the estates of unfortunate veterans whose only offense has been the loss of their mind or reason. That being the case, I see no justification for any man or woman in this body to vote for passage. I see every reason why they should not do so, and I urge that the proposal be rejected on its own lack of merit.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. A competent veteran who accumulates benefits as the result of awards from the Veterans' Administration is able to will that to any relative that he might wish to.

Mr. H. CARL ANDERSEN. The gentleman is speaking of a competent veteran?

Mr. REECE of Tennessee. I am speaking of a competent veteran.

Mr. H. CARL ANDERSEN. That is correct.

Mr. REECE of Tennessee. Then, if that is the case, why should not the parents or relatives of an incompetent veteran be permitted to inherit funds which have accumulated in the estate during the veteran's incompetency when, in most cases, the parents and relatives have given the incompetent veteran great care and have assumed great responsibility for him?

Mr. H. CARL ANDERSEN. The gentleman indicates my attitude on this question exactly. Furthermore, that veteran, while competent years ago could have made a will leaving his property to his father or to his mother or perhaps to a sister who might be dependent, but under this bill that will becomes invalid. This is one of the things that I want the lawyers of this House, if they will, to go into very thoroughly to see the numerous inequities which are in the bill. I do not for one minute cast any reflection on the great Committee on Veterans' Affairs. I simply say that they have not studied these issues carefully enough. I claim that they have not had sufficient hearings on the matter. The bulk of the hearings, if anyone will turn to them, does not have to do with the bill itself. It simply calls attention to various communications, largely from chief attorneys of various regional establishments. Let us turn to some of them. First, let us turn to page 1356, where the Comptroller General of the United States is quoted. What does he say about practically an identical bill which passed the House previously and which the other body refused to consider? The Comptroller General says this:

> The practical difficulties which would be encountered in attempting to comply with this provision are almost limitless.

Yes, Mr. Speaker, this bill will make a lawyer's paradise. This bill will make a luscious garden for accountants and other high-priced experts. By the time you force all of these 110,000 incompetents' estates through the various courts, the only ones who will really benefit from them are those engaged in the litigation. In most cases, there won't be a dime left for either the Government or the heirs.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. H. CARL ANDERSEN. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, I would like to ask the gentleman to define the definition at the top of page 2 of the report. It says:

> The principal purpose of the bill is to provide that payments of gratuities to guardians or other fiduciaries of veterans or their dependents because the intended recipient is under a legal disability shall, if the intended beneficiary dies leaving no wife, husband, child, or dependent parent, revert to the United States after payment of the just debts of the deceased beneficiary, and of the expenses incident to the administration of his estate.

What is meant by "gratuities?" If a man dies and leaves a will leaving to his brother who is a dependent veteran in a hospital, $10,000 or $50,000, that would be a gratuity, would it not, and the collateral heirs could never get it under this bill?

Mr. H. CARL ANDERSEN. If I understand the gentleman—and if I am wrong I hope I will be corrected—practically everything received except insurance from the Federal Treasury comes under the heading of that which would escheat to the Treasury. Is that correct, may I ask the chairman of the Veterans Committee?

Mr. TEAGUE of Texas. The term "gratuity" as used in the bill has a legal definition. The only moneys that are touched are moneys that come to the veteran as a gratuity. In other words, the insurance is paid for. The bill does not touch the insurance.

Mr. CUNNINGHAM of Iowa. If the gentleman will yield to me so that I may ask the chairman a question, suppose someone makes a gift; would not that be a gratuity?

Mr. TEAGUE of Texas. That has nothing to do with this bill.

Mr. CUNNINGHAM of Iowa. I do not believe the bill is clear on that.

Mr. TEAGUE of Texas. This bill has to do only with moneys coming from the Federal Government as gratuities.

Mr. CUNNINGHAM of Iowa. Where does the bill say that?

Mr. TEAGUE of Texas. If the gentleman will refer to the report at page 3, second from the last paragraph, the benefits affected by the bill are listed in order 1, 2, 3, 4, and 5.

Mr. H. CARL ANDERSEN. I sincerely hope that in general debate and then in the final consideration of the bill we can bring up these questions such as the commingling of estates which, by the way, the Veterans' Administration itself says is practically impossible to get straightened out as to whether this is money that should go back to the Treasury or should go to the Administrator for distribution to the heirs. I want to go into that.

I ask you to consider whether you want the parents of any incompetent veterans to have to declare themselves paupers before they can inherit from their own son. Is it not enough that that family gave that boy to his country? Should we take away from his father and mother any rights to inherit, perhaps, because they have a little bit more than $175 a month to live on? Is that right? Is it right to take away

from brothers and sisters the right to inherit entirely from their brother? Is is right to tie up the entire estate of a deceased incompetent veteran just so that portion which represents Federal moneys can possibly be returned to the Treasury? Is it right to threaten the already precarious mental balance of these poor mentally sick veterans by telling them that their wills have been set aside and their estates threatened by involved and endless litigation? Is it right to so legislate upon mentally incompetent veterans who cannot speak for themselves and thus discriminate against them in contrast with the situation of their physically disabled fellow veterans? Is it right to pass a bill which every responsible legal authority in the executive departments says contains serious questions of constitutionality?

These are some of the questions which we must resolve in good conscience before any man or woman in this Chamber can vote for this bill. It is not so much a question of the intent of the bill as it is a question of the collateral damage it will do which I know is not the intent of the authors.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, if carried to the final analysis and this bill goes through it might be possible that the Congress of the United States in the case of incompetent Congressmen might decide not to pay their widows any amount of money. That could do down through all of the departments in the Government.

Yes, I voted against this bill last year. I voted against the bill this year. I know that lawyers disagree often. I think the lawyers of our committee had in mind saving money, to give the money to other veterans. But the paradox in the whole thing is that a veteran who is hospitalized, perhaps a double amputee or someone else, has his compensation held back while he is hospitalized, and then when he dies his family, his estate, is entitled to that money. You take the case of an amputee. If he is incompetent and has a guardian, his estate cannot inherit that money. His father and mother, who have brought him up and adored him and are terribly unhappy because he was hurt and mentally sick, when that man dies, unless they are dependent, cannot inherit any of his money. And think how he would feel that money due him and paid for his service to his country was not considered money that he had earned and could be stolen from his estate by the Federal Government. I have felt that the most honorable way a man earned money was by serving his country.

Mr. H. CARL ANDERSEN. Will the gentlewoman yield.

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. I call the attention of the House to the hearings on page 1313, where there appears a letter from Mr. Edward T. Fennell, chief attorney, Veterans' Administration, Syracuse, N. Y. There Mr. Fennell, as do 1 or 2 other of the chief attorneys, brings up this very important question.

He states this:

> Also the proposed bill makes no allowance for a decent burial for the benficiary.

Remember, we are talking about 110,000 incompetent veterans here. He states further:

> It is true that if the beneficiary were an eligible veteran, a burial allowance of $150 is paid by the Veterans' Administration. However, it is common knowledge that in New York a decent funeral costs between $700 and $1,000. Since the Guardian Committee might have many thousands of dollars in its possession, it is believed they should be authorized to pay for a decent burial before turning over the balance of the estate to the administrator.

Might I ask, if the gentlewoman from Massachusetts will permit, might I ask the chairman of the committee: Is there any provision in this bill to require or that states that the administrator can first pay for a decent funeral for the ward before being forced, as seems to be evidently the case under the bill, to turn over the money to the Veterans' Administration?

Mr. TEAGUE of Texas. I am surprised that the gentleman from Minnesota should take a letter printed somewhere in the hearings rather than reading the bill itself. Why does not the gentleman turn to the bill at page 4 and see what the bill says.

Mr. H. CARL ANDERSEN. I have searched the bill and there is nothing there that touches upon this. It does have relation, I might say, to the gentleman to the administration expenses.

Mr. TEAGUE of Texas. The bill says before making such return to the admiinstrator of veterans' affairs, the personal representative shall satisfy the claims of creditors and the expenses incident to the administration of the estate of the deceased.

Mr. H. CARL ANDERSEN. Yes; but it says nothing about the last sentence about the burial expenses, and that is what the chief attorney mentions, as some others have mentioned. There is nothing specific here to give an administrator or a guardian the right to spend, perhaps, $700 as he should to give his ward a decent funeral. That is one of the reasons I have made the statement that I do not think this bill has been too well thought out.

Mrs. ROGERS of Massachusetts. May I say that we can pursue that subject which is so important when we go into committee. But, I would just like to put it up to the Members of Congress who are themselves veterans. We have had Congressional veterans who have left Congress and died in hospitals. They were mentally incompetent. How would any one of you feel if you knew that if you had to go to a veterans' hospital as a mental incompetent that when you died money that had accumulated for you could not go to your grandchild or to your brother or sister or to your grandparents, or to your father and mother unless they were dependent upon you? I do not believe there is a man or woman in this Chamber today who would not look with horror at such a thing happening. A man has a great pride in leaving an estate to his loved ones and being able to leave a little something to the people they have loved and who have loved him. It seems to me a matter of clear legal thinking that the Veterans' Administration and the Comptroller General's office should say that the bill is clearly unconstitutional.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, may I have the attention of the ranking Republican member of the Committee on Veterans' Affairs. Does this bill affect any money that has not been paid to the veteran or his representative by the United States Government?

Mrs. ROGERS of Massachusetts. I am under the impression it does not take away the money that the veteran accumulated in some other way.

Mr. HOFFMAN. This bill does not affect a dollar; does it—unless that dollar originally came from the United States Government?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. HOFFMAN. I will ask the chairman of the committee.

Mr. TEAGUE of Texas. The gentleman is exactly right.

Mr. HOFFMAN. It does not have a thing to do with any money unless that money was paid for the benefit of the veteran by the Federal Government?

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield for a correction at that point?

Mr. HOFFMAN. Yes; if there is any correction to be made.

Mr. H. CARL ANDERSEN. On page 2 of the report the committee holds out as a horrible example that of a Negro veteran in Texas.

Mr. HOFFMAN. Oh, I read that——

Mr. H. CARL ANDERSEN. Will you let me answer the question?

Mr. HOFFMAN. I have read the report. I do not yield further.

Mr. H. CARL ANDERSEN. He used his compensation money to buy these oil royalties. It will take that away.

Mr. HOFFMAN. It does not affect a dollar except those dollars that come from the United States Government.

Mr. H. CARL ANDERSEN. The committee report states that it applies.

Mr. TEAGUE of Texas. The gentleman from Michigan is exactly right.

Mr. HOFFMAN. The only personal experience I have had was with a brother who made his first visit when his brother, who was a veteran, died in the hospital. Any of the people who can qualify under this provision on page 2 can get it; can they not?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield back the remainder of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into

the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 72) to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 72, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. TEAGUE] will be recognized for 1 hour, and the gentlewoman from Massachusetts [Mrs. ROGERS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Chairman, for the information of the House, there will be no requests for a rollcall on this side by the chairman of the committee. Also there will be very little time taken by members of the committee.

The bill, H. R. 72, limits the payment of guardianship estates of incompetent veterans, upon their deaths, to their spouses, adult or minor children, or dependent parents, in lieu of the present practice of permitting these estates, which are sizable in many instances, to be received by remote heirs. Insurance is not affected by this bill; all other VA payments are.

This bill is identical to H. R. 10478, which passed the House in the 2d session of the 84th Congress, but failed of enactment in the other body.

In the present Congress, hearings were held before a subcommittee composed of the gentleman from North Carolina [Mr. SHUFORD], as chairman; the gentleman from California [Mr. SISK]; the gentleman from North Carolina [Mr. WHITENER]; the gentleman from Indiana [Mr. ADAIR]; and the gentleman from Nebraska [Mr. WEAVER].

During the recess following the 1st session of the 84th Congress, I had called to my attention the fact that sizable estates were building in this area—estates of which the Congress had little previous knowledge. Immediately an inquiry was started which showed that there were widespread abuses under the present law in each regional office of the Veterans' Administration. The investigation of the committee showed conclusively that in many instances veterans were leaving estates running into the thousands of dollars which were being received by cousins, uncles, aunts, sisters, and brothers who, in some instances, had not seen the veteran for as long as 30 years. Needless to say, this was not the intent of the Congress in enacting the basic legislation.

Enactment of this legislation would undoubtedly save the taxpayers a considerable sum of money and would be consistent with the purpose of the original act. I believe that the enactment of this legislation is the only method by which this situation can be controlled. Another account in the Veterans' Administration called personal funds of patients, which could be controlled by administrative action, is still paying funds to remote beneficiaries. It is very much regretted by the committee that action has not been taken by the Veterans' Administration.

As an indication of the magnitude of the problem, there is over $600 million in accounts of individuals of this type at the present time—$543,599,000 in guardianship accounts and approximately $60 million in the account of personal funds of patients.

Prior to the enactment of Public Law 662, 79th Congress, on August 8, 1946, the World War Veterans' Act of 1924 endeavored to control estates of this type. I cite this to bring to the attention of the House that this is not a new problem and that what we are proposing to do here today is not a radical departure. Rather, the present law has bene found, as I shall show later, to have many loopholes and we are proposing today to plug those loopholes to provide a fairer approach to this problem and to bring more equity into the entire program.

Public Law 662, 79th Congress, provides, among other things, that where an incompetent veteran is receiving care in a VA institution and has no wife, child, or dependent parent, the payment of pension or compensation shall be stopped after the veteran's estate has reached $1,500 and shall not thereafter be resumed until the estate equals $500 or less. If the veteran recovers and is discharged from the hospital, the money withheld in the form of compensation or pension is paid to him at the expiration of 6 months. If he dies, then the $1,500, or whatever lesser amount is involved, will be paid to his estate.

If an incompetent veteran, in a VA institution, is receiving service-connected compesation—for example, total compensation of $181 per month—and it is found that he has a dependent parent, Public Law 662 provides authority for the Administrator of Veterans' Affairs to apportion a part of that compensation to meet the needs of the dependent parent. The amount apportioned is determined on an individual basis by the Administrator.

If an incompetent veteran is in a State or private institution and is receiving compensation or pension, his guardian or other duly qualified person may pay from his estate and from funds received from the Veterans' Administration, in the form of pension or compensation, whatever charges may be necessary to maintain him in the State or private institution.

I think the statements I have just made indicate rather conclusively the inequities which exist in this program. Dependent parents may today be cared for out of compensation or pension contributed to the service of their sons, and then, after the parents have passed on, this difference may be transferred to remote heirs, such as cousins, nieces, uncles, and aunts. At the same time, other veterans' families—nieces, uncles, and aunts—are not receiving anything from the veteran simply by reason of the fact that the present $1,500 limitation is working to prevent an accumulation of funds. In other words, the $1,500 limitation is working in some cases but it is not working in all. We are trying to make sure that this general limitation will be applied in a fair and equitable manner to all veterans and to those who logically should be entitled to the residue of any estate which he might leave.

In that connection I want to call to the Committee's attention a number of cases which the Committee on Veterans' Affairs developed after a study of this program:

BENEFITS TO STEPFATHER

———. This veteran drew service-connected benefits from the date of his commitment to a State hospital in the year 1922 until his death in 1954, at which time his estate was valued at more than $30,000. After payment of administration costs a balance in excess of $30,000 was paid to the estate of his mother, who had survived him but whose death occurred before actual distribution of the veteran's estate. There is information of record to the effect that the mother remarried less than 30 days prior to her death and that this individual has received, or will receive, the surviving husband's share of her estate.

Records show that this veteran was raised by foster parents, who predeceased him, and that he never left the confines of the State hospital from the date of commitment in 1922 to the date of death in 1954. No next of kin were ever located until about July 18, 1942, when notice was received of an application by one claiming assistance from the estate as the veteran's dependent natural mother. As the result of this application to the county court and hearing thereon, the court decreed her to be the natural mother and ordered certain allowances paid from the estate. Support allowance payments to her were thereafter continued until the veteran's death.

NEPHEW OR HIS HEIRS BENEFITS

Our chief attorney reports that we have experienced no cases of the distribution of a veteran's estate to distant relatives as contemplated in your inquiry since the activation of this regional office. The situation could occur in the near future in one instance. One elderly female veteran of World War I was hospitalized soon after service because of dementia praecox. Years later, senile and completely disoriented, she was placed in a convalescent home where she now resides. She receives $181 monthly compensation and $57.50 monthly war-risk insurance from the Veterans' Administration. Her estate, representing only Veterans' Administration payments and earnings thereon now totals $49,676.84. Her next-of-kin and heir-at-law is a sister in much the same condition as the veteran, except financially. Neither has very long to live and upon the death of the survivor, the estate will be distributed to a nephew, or his heirs.

RELATIVES IN EUROPE AND SOUTH AMERICA

———. This veteran served from May 23, 1918, to August 27, 1918. He has a service-connected mental disability. He is not hospitalized. A committee has handled his estate since August 4, 1922. The committee receives disability compensation of $181 per month and insurance of $57.50. His estate is valued at $54,813.39. The committee expends $100 per month for room, board, and maintenance; $35 per month for spending money and such amounts as are needed for medical and dental care.

The veteran has 1 brother in this country, 2 brothers and a sister residing in Poland and a sister residing in East Prussia. There is another sister, who was last heard from 10 years ago when she was living in Buenos Aires, Argentina.

———. This veteran served between July 26, 1918, and March 18, 1919. He has a

service-connected mental disability. He has been continuously hospitalized at Veterans' Administration expense since his discharge. A committee had handled his estate since November 10, 1919. Payments of disability compensation were stopped July 7, 1933, but insurance payments have continued at the rate of $56.80 per month. At that time his estate was valued at $22,641.91 but now is $52,269.72.

Reports in 1934–35 show the veteran had a brother and 4 sisters in Warsaw, Poland. There was also a brother, now deceased, who left surviving him 6 children in Warsaw, Poland. Another sister resides in Israel. An additional sister immigrated to the United States about 1915 but was reported deceased.

———. This veteran served between December 11, 1917 and February 9, 1919. He has a service-connected mental disability. He has not been hospitalized for this condition. A committee has handled his estate since June 9, 1921. Payments of disability compensation are made at the rate of $91 per month and insurance of $57.50 per month. His estate is valued at $54,991.65. The committee expends $150 per month for the maintenance of the veteran.

The veteran has 3 brothers and 2 sisters, none of whom have seen him in years.

———. This veteran served from May 10, 1918 to April 15, 1919 and from May 10, 1919 to June 1, 1921. He has a service-connected mental disability. He has been continuously hospitalized at Veterans' Administration expense since his discharge. A committee has handled his estate since April 11, 1922. Payments of disability compensation stopped July 17, 1933 but insurance payments continue at the rate of $28.75 per month. At that time his estate was $7,595.32 but now is $20,692.43.

A report from the Polish Embassy dated September 29, 1930, contains a statement from the veteran's alleged sister that the veteran is her brother and that the parents and all other brothers and sisters are dead. She was living in the village of Barbrairninkai, Aukstadvaris Community, Lithuania. The committee offered to pay her way for a visit to the United States but the hospital reported that the veteran did not want to see his sister.

Fifty-two-thousand dollars estate. ———. This veteran, who is still alive, has been under guardianship since 1921. At all times, since that date, he has been a patient in the VA hospital at American Lake, Wash. Until the death of his dependent mother in 1942, he received 100 percent service-connected compensation payments, in addition to $56.76 per month from war-risk insurance. The compensation was discontinued in 1942 because of the size of his estate, as he was without dependents, but the insurance payments have continued. At the present time, his estate totals approximately $52,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1921. At all times since that date he has been a patient in the VA hospital at American Lake, Wash. Compensation payments were discontinued in 1930 because of the size of the estate (under the provisions of the amendatory law of July 3, 1930). Payments of $57.30 per month war-risk insurance have continued to the present time. At the present time, his estate totals approximately $56,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1926. He was a patient in the VA hospital at American Lake, Wash., until his discharge in 1952, when he returned to his native Italy. His dependent father died in 1945, at which time his compensation was stopped because of the size of his estate and remained in suspense until his discharge from the hospital. He presently receives $181 per month compensation and $51.75 per month war-risk insurance. At this time, his estate totals approximately $52,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1930. He was hospitalized intermittently until 1945, and has been out of the hospital since that date. He presently receives $181 per month compensation and $57.50 per month war-risk insurance. At this time, his estate totals approximately $29,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1929. He has not been in a hospital for any substantial portion of this time. He receives service-connected compensation of $181 per month, and war-risk insurance of $51.75 per month. He has always lived in a miserly fashion and has resisted all attempts by this office and his relatives to improve his standard of living. At this time, his estate totals approximately $48,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

Niece and nephew in Switzerland. ———. World War I veteran under guardianship from November 1926 to August 30, 1955, date of his death. At the time of his death he was drawing 100-percent service-connected compensation. He was hospitalized in Veterans' Administration hospital, ——— from 1925 to 1931. In 1931, at his wish, he was delivered to the care of a brother in Zurich, Switzerland. He died in Zurich leaving an estate of $36,000, all derived from Veterans' Administration benefits. Apparently, 1 niece and 2 nephews living in Switzerland will inherit, as no closer next of kin are known to exist.

———. This World War I veteran, under guardianship since March 1920 has been in and out of Veterans' Administration hospitals since that time. Now he is hospitalized in Veterans' Administration hospital, ———. Payment of compensation for 100-percent service-connected disability is in suspense because estate is over $1,500, veteran is hospitalized in Veterans' Administration hospital and he has no dependents. Present value of estate is $36,150, all traceable to benefits paid by the Veterans' Administration. Nearest next of kin are brothers and sisters.

———. World War I veteran has been under guardianship since May 1928. He has no dependents. Received compensation for 100-percent service-connected disability until April 1951 when payments were suspended because he was hospitalized in a Veterans' Administration facility, his estate was over $1,500, and he had no dependents. Monthly payments of war-risk insurance benefits in the amount of $42.44 continue to the present time. The estate now totals $29,486, all of which is traceable to funds paid by the Veterans' Administration. Nearest known next of kin is a sister.

RELATIVES UNINTERESTED

Case No. 2: This veteran served in World War I from April 6, 1917, to January 13, 1920. He was admitted to the Veterans' Administration hospital at ———, on March 7, 1921, where he has been continuously hospitalized since that time. A guardian qualified for the veteran's estate on February 13, 1922. Since the appointment of said guardian, there has been expended directly for the benefit of the veteran only about $2,000. The veteran's mother and father are both deceased and our records disclose that he had 4 brothers and 2 sisters, although there is an indication that these brothers and sisters are deceased. He is, however, survived by nieces and nephews who are eligible to take under the laws of descent and distribution of this State, which now amounts to $42,186.59, all of which came from the Veterans' Administration or interest on investments from VA funds. The veteran's estate has been paid disability insurance of $57.50 monthly since January 14, 1920, or a total payment of disability insurance of $24,150 as of January 14, 1956. In addition to the aforesaid disability insurance, the veteran received disability compensation at varying rates ranging from $20 monthly to $100 monthly from January 14, 1920, until September 30, 1930, at which time the disability compensation was suspended under the provisions of Public Law No. 2, 73d Congress, his dependent father having died. One of the attorneys of this center recalls a conversation with the guardian in this case wherein it was disclosed that the veteran has only nieces and nephews eligible to eventually inherit the estate and none of the relatives personally contacted by the guardian exhibited any interest in the veteran or any desire to personally visit him at the hospital in ———, even at the expense of the estate.

Brother receives $41,000. ———. The veteran has been continuously hospitalized in a State hospital with brief sojourns in sanitariums since 1925. He was awarded 100 percent service-connected disability. Upon his death in July 1954 his estate of $41,033.33 comprised wholly of Veterans' Administration benefits, passed to his brother.

———. The veteran was continuously hospitalized at Veterans' hospital, ———, from October 1949 to his death, January 13, 1956. Due to the dependency of his mother being established in 1949, his estate consisting entirely of Veterans' Administration compensation was $7,286.98 at the time of death. There are relatives living.

———. The veteran shot and killed his wife and shot himself in the head in 1923. He was committed to ——— State Hospital for the Criminally Insane. As a result of shooting himself he became totally blind. Under the law he was awarded service-connected disability compensation. Additionally his mother was adjudged a dependent which further increased the award, until her death, April 18, 1948. Payments by the guardian to the State ——— stopped in 1946, when an ——— law was amended prohibiting collecting support money for an insane patient still under indictment. At the present time the Veterans' Administration is paying $3,615 a year compensation on behalf of the veteran. Of this amount $150 per year is required for his incidental needs and desires. His estate, composed entirely of Veterans' Administration compensation payments, was $32,515.79 as of January 17, 1956. There is at least one relative, a brother, living.

SEVENTY-THOUSAND-DOLLAR ESTATE TO BROTHERS AND SISTERS IN POLAND

During recent years there have been distributed in this area a number of estates of incompetent World War I veterans who, either immediately upon separation from service or shortly thereafter and until death, were continuously hospitalized in Government institutions and who were entitled to compensation for total disability. Due to the dependency of parents, these veterans continued to receive compensation notwithstanding assets in excess of the statutory limit, and from this compensation alone or combined Veterans' Administration compensation and disability-insurance payments accumulated sizable estates until compensation terminated upon death of the parent. In two instances the veterans' compensation was temporarily interrupted during World War II, in view of the statutory limit and because the parents resided in hostile or enemy-occupied territory and their existence and/or continued dependency could not be verified. However, subsequently, upon proof of existence and continued dependency of the parents, compensation benefits were resumed until the parent in each case died. One of these veterans was survived by an

estate valued at $59,000, which was distributed equally to 1 sister in this country and 4 brothers and 4 sisters in Italy. The other left assets of $70,500 and reportedly is survived by a brother and sister in Poland. This latter estate is deposited, pursuant to order of court, with a register of wills in this State, being held in a special account until in due course claimed by person or persons legally entitled thereto. If the purported brother and sister are unable to satisfactorily establish relationship, there are aunts, uncles, and other more distant relatives in this country who are probably entitled to the inheritance under the intestacy laws of Maryland.

Mr. Chairman, the veterans' organizations have not objected to the enactment of H. R. 72; in fact, they favor it. I invite the attention of the Committee to an article which appeared in the April 1957 issue of the American Legion magazine which states that the American Legion Rehabilitation Commission has approved H. R. 72. I will offer this for inclusion in the RECORD at a later point. Also, in testifying before our Committee on H. R. 72, Mr. John Holden, the representative of AMVETS, stated, "AMVETS endorse the intent of this bill and urge the favorable consideration by your Committee." Also, the representative of the Veterans of Foreign Wars, Mr. Francis W. Stover, made this statement:

The long experience of the Veterans of Foreign Wars has been that most benefits should be paid directly to the veteran himself or his immediate dependents. It is noted that this bill here takes care of those who are within the immediate dependency of the veteran. And certainly we would not endorse the paying of benefits intended for a veteran to be paid to some collateral relative who had no interest in the veteran during his lifetime.

I include at this point excerpts from the replies received from chief attorneys which give examples of the sort of conditions this legislation will correct, and also a table showing the amounts of these estates, by States:

NARRATIVE ACCOUNT OF GUARDIANSHIP CASES

1. The incompetent veteran, ———, has been hospitalized continuously in the VA hospital at Gulfport, Miss., since World War I, and the evidence now of record indicates that he may be expected to remain hospitalized for the rest of his natural life. Tnis veteran's dependent mother and only heir-at-law has just passed away and his estate is presently valued at $65,536.22.

2. The incompetent veteran, ———, passed away at the VA hospital in Augusta, Ga., on February 21, 1954; he left no will, and to date no heirs-at-law have been found. This veteran, who has been continuously hospitalized at Government expense since World War I, died leaving an estate of over $51,000.

3. The incompetent veteran, ———, has been hospitalized in the VA hospital at Tuskegee, Ala., at Government expense since shortly after World War I; he has no dependents, and the latest accounting of the legal guardian reveals an accumulated estate of $23,963.57.

4. The incompetent veterans, ——— and ———, with C-number of 9017775, are both hospitalized World War II veterans with legal guardians and estates of $10,000 or over.

Case No. 1 is that of a World War I veteran, hospitalized in a Veterans' Administration hospital, having a service-connected neuropsychiatric condition which is rated 100-percent disabling. The present value of his estate, which is administered by a conservator, is in excess of $15,000. The estate was accumulated during various extended periods of hospitalization when the veteran was paid the full amount of his compensation by reason of the dependency of his mother. After the death of the veteran's dependent parent, payments were stopped as of August 31, 1947. No payments have been made since that date. In the event of the veteran's death, since he has no wife, child, or dependent parent, his estate would, under the statute, be distributed to more distant relatives.

Distant relative: In case No. 2, the facts are similar to those in case No. 1, with the following exceptions: Present value of the estate is in excess of $45,000. Payments of compensation were stopped January 31, 1931, by reason of veteran's estate exceeding $3,000. No payments of compensation have been made since that time. The estate was accumulated during various extended periods of hospitalization when the veteran was paid compensation and received insurance payments of $56.02 per month since May of 1923. Insurance payments are currently being made to the conservator. In the event of the veteran's death, since he has no wife, child, or dependent parent, his estate would, under the statute, be distributed to more distant relatives.

Veteran A (value of estate $54,328): This is a World War I veteran. The guardian was appointed in November 1925, and the moneys in the estate have been accumulating since that time. Originally the veteran received $20 per month and under laws passed by Congress, that amount was increased at various times until he was receiving $50 per month. He also was receiving $25 per month from his insurance policy. When his estate from moneys received from the VA exceeded $1,500, the compensation was suspended. This occurred in April 1949 when the veteran's dependent mother died. Since that time the estate has increased to the amount of $54,328, due to moneys received from VA insurance of $25 per month and investments made by the bank trustee.

Veteran B (value of estate $49,348): This also is a World War I veteran, previously receiving disability compensation, due to a 100 percent disability, in the amount of $100 per month beginning April 1, 1921. This amount was subsequently increased under acts of Congress. When his three minor children became of age and his wife died, disability compensation ceased in September 1947, but his railroad retirement and insurance payments continued and the trustee received considerable interest, mostly on United States savings bonds, series G.

Veteran C (value of estate $48,145): This is a World War I veteran with history of accumulation of estate the same as stated above. Veteran's estate in excess of $1,500 and VA compensation suspended. Amounts accumulated in the trustee's hands due to investments.

Veteran D (value of estate $29,057): This is a World War I veteran, 100 percent disabled. He is receiving $172.50 per month, estate being handled by bank trustee and money disbursed by them for his expenses. He also receives war-risk insurance in the amount of $57.17 per month. Payments still continue due to his 100-percent disability.

Veteran E (value of estate $26,003): This is a World War I veteran, 100 percent disabled. Hospitalized at VA hospital, since July 1928. Disability compensation suspended in June 1938 as being in excess of $1,500. Present estate accumulated from investments and interest and from certain money received as inheritance.

I recall two cases recently in which rather substantial estates descended to heirs other than legal dependents. In both of these cases, the veterans were in receipt of 100-percent service-connected compensation since World War I and were not hospitalized. Both veterans lived in the country, and for many years had been living on approximately two-thirds of their monthly compensation. The estate of one veteran at the time of his death was $12,870.75. The estate of the other at the time of his death was $18,847.83. This latter veteran died in a Veterans' Administration hospital, which he had entered shortly before his death. Payments of compensation to him were suspended on the date on which he entered the hospital.

Several of the estates belonging to hospitalized veterans, listed on the committee's questionnaire, will apparently escheat to the Government. In this connection, in 1950 a veteran died in a Veterans' Administration hospital and an estate of $35,336 escheated to the United States.

Nephew or his heirs benefits: Our chief attorney reports that we have experienced no cases of the distribution of a veteran's estate to distant relatives as contemplated in your inquiry since the activation of this regional office. This situation could occur in the near future in one instance. One elderly female veteran of World War I was hospitalized soon after service because of dementia praecox. Years later, senile and completely disoriented, she was placed in a convalescent home where she now resides. She receives $181 monthly compensation and $57.50 monthly war-risk insurance from the Veterans' Administration. Her estate, representing only Veterans' Administration payments and earnings thereon now totals $49,676.84. Her next-of-kin and heir-at-law is a sister in much the same condition as the veteran, except financially. Neither has very long to live and upon the death of the survivor, the estate will be distributed to a nephew, or his heirs.

SEVEN BROTHERS AND SISTERS

B was in World War I, serving from September 20, 1917, through May 1, 1919. At the time of his separation from service, he was transferred to the VA hospital at North Little Rock, Ark., arriving at such hospital on May 2, 1919. He remained a patient continuously in such hospital until the date of his death in April of 1956. A claim for disability compensation and insurance was filed on his behalf and he was awarded compensation from May 1, 1919, and also total disability on his Government life insurance, the payments on such life insurance was awarded at the rate of $57.50 per month. His father qualified as guardian of his estate in 1922, at which time the accrued disability insurance payments were made to the father as guardian and compensation payments, which had previously been paid to the manager, Veterans' Administration hospital, under an institutional award, was made to the father.

Shortly after the guardian was appointed, compensation payments were terminated inasmuch as the veteran was single, hospitalized, without dependents, and had an estate in excess of $1,500.

In 1946, the father and the mother filed a claim with the Veterans' Administration alleging themselves to be dependent parents of the veteran. In such year, the claim of the dependent parents was allowed and compensation in the full amount was paid to the guardian. At the time the parents established their dependency, the guardian's account showed assets in the estate of the veteran in the total amount of $25,869.61, consisting of real estate valued at $8,380 purchased by the guardian for the ward out of insurance payments and cash and bonds in the amount of $17,489.61.

After the VA recognized the parents as being dependent, an order of the court was obtained in the guardianship estate authorizing the guardian to pay for the support and maintenance of the dependent parents $140 per month from March 11, 1947. This order was later increased to $173 per month on the 9th day of December 1948. This allowance

order continued for the benefit of the dependent parents until the date of the veteran's death. As the parents were held dependent, compensation originally was at the rate of $138 per month but due to various raises in compensation was finally paid at the rate of $198.50 per month.

Since the date in 1946 when the dependency of the parents was established, compensation payments have been made to the guardian in the sum of $20,769. From March 11, 1947, the date of the first court order authorizing payments for the support and maintenance of the dependent parents, the guardian has paid out for such purpose the sum of $17,548. The last annual account of the guardian, filed on January 5, 1956, showed the total value of the veteran's estate to be $44,910.68, consisting of real estate of the value of $8,380 and cash and bonds in the amount of $36,530.68.

Thus, it will be seen that due to the application of Public Law 662 in its present form to this case and the establishment of the dependency of the parents of the veteran, the Veterans' Administration paid out in excess of $20,500 in compensation to the veteran, his dependent parents drew out of such estate approximately $17,500 for the same period, yet the veteran's estate increased from $25,869.61 to the sum of $44,910.68.

The veteran is dead, he was never married, therefore, no wife or child survive him. The veteran received continuous hospitalization from the Veterans' Administration from 1919 to the date of his death in 1956. The veteran's mother has recently died. The veteran is survived by his father and seven brothers and sisters. The father is over 80 years of age. At this time, the father will inherit from the veteran something over $22,000 and the brothers and sisters will inherit the other $22,000. When the father dies, the brothers and sisters will inherit his estate which was derived from his inheritance from the veteran.

Who is the beneficiary of the compensation paid by the Veterans' Administration for the benefit of this veteran?

With reference to the last paragraph of your letter, the following report is made: We are supervising the case of ———, a veteran of World War I, ———. Our record goes back to 1918, and it appears that this man is service connected, World War I, for dementia praecox. He received $100 a month from November 13, 1918, to April 30, 1925, when his award was reduced to $20 a month because of being hospitalized. He is now hospitalized at the Veterans' Administration hospital, Roseburg, Oreg. He has been hospitalized since November 1, 1926, and the manager of the hospital was paid for his account the sum of $20 per month through June 30, 1930. It also appears that this veteran has received total, permanent insurance benefits in the sum of $57.50 throughout practically the entire period to date, and is still receiving these insurance payments. The guardian for the estate of the veteran was appointed in the Second Judicial District Court of the State of Nevada, ———. This guardianship is still in force and effect, and as of January 8, 1955, there was a total estate, all Veterans' Administration assets, in the sum of $33,641.06. The veteran's claims file discloses he was born January 4, 1902. He is single with no children. Information from the Nevada State Hospital filed December 15, 1920, discloses that the name of the patient's mother and father were unknown and the patient refused to answer any questions. A contact with ———, attorney at law, of this city, who has been the veteran's guardian from the beginning, disclosed the fact that ——— made a thorough investigation during the 1920's and was not able to find any living relatives of ———. However, it is very possible that at the time of ——— death, a distant relative will show up who could inherit the estate.

The case of ——— involves a World War I veteran who has been 100 percent disabled since he was discharged from World War I on November 8, 1918. He was never married and had no children. The veteran is not now receiving any compensation due to the fact that his estate is in excess of the statutory allowance. He is hospitalized, without dependents and incompetent. However, he still receives $57.50 a month insurance, and as of June 30, 1955, the Veterans' Administration estate was $17,170.96. This office does not have any definite information as to heirs capable of inheriting in the State of the veteran's residence, to wit, California, but it is believed that the present guardian, ——— is the sister or some other relative, and that there are several relatives of the veteran ———.

The case of ——— involves a World War I veteran who was discharged February 7, 1920. He was service-connected from discharge. He has no dependent wife, children, or parents. He is at the present time hospitalized at Fort Douglas Station, Salt Lake City, Utah. He has a sister, ———. The only payments being made now are $57.50 a month insurance payments for total disability. As of March 1, 1955, the Veterans' Administration estate was $17,990.78.

Payments to relatives in foreign countries: The case of ——— involves a veteran of World War I who has been receiving total service-connected disability benefits since May 29, 1919. At the present time his father and mother are dead and he has no wife or children, but has distant relatives such as cousins, etc., in Italy. He is hospitalized at Fort Meade, S. Dak. He is receiving $28.75 total disability insurance under a United States Government life insurance policy. The veteran's estate as of April 30, 1955, all from the Veterans' Administration, was $15,633.45.

The case of ——— involves a veteran of World War I who has been rated incompetent and 100 percent disabled since December 11, 1918. He has no wife, children or dependent parents and has been in and out of hospitals ever since 1918. He is, at the present time, out of the hospital and receiving $181 a month disability compensation and $57.50 per month total disability insurance. His estate is increasing at the rate of approximately $800 a year. The veteran has a brother who is his guardian and who would inherit.

———. This veteran served from June 19, 1918, to September 6, 1919. He has a service-connected mental disability. He has been continuously hospitalized at Veterans' Administration expense since discharge. A committee has handled his estate since June 5, 1920. Payments of disability compensation stopped October 1932, but insurance payments have continued at the rate of $57.50 per month. In October 1932 his estate was valued at $22,362.93 but now is $49,930.

The veteran's father, ——— resided in Mervin, Russia, but letters to him in 1929 were returned. In 1934 it was reported through the Red Cross that he had a sister in Russia.

———. This veteran served between October 27, 1918, and December 11, 1918. He has a service-connected mental disability and has been hospitalized at Veterans' Administration expense since shortly after discharge. A committee has handled his estate since May 25, 1925. Payments of disability compensation stopped in July 1946 when the dependent father died. At that time his estate was valued at $11,842 but now is $15,303. The veteran has 1 brother and 2 sisters.

Relatives in Europe and South America: ———. This veteran served from May 23, 1918, to August 27, 1918. He has a service-connected mental disability. He is not hospitalized. A committee has handled his estate since August 4, 1922. The committee receives disability compensation of $181 per month and insurance of $57.50. His estate is valued at $54,813.39. The committee expends $100 per month for room, board, and maintenance; $35 per month for spending money and such amounts as are needed for medical and dental care. The veteran has 1 brother in this country, 2 brothers and a sister residing in Poland and a sister residing in East Prussia. There is another sister, who was last heard from 10 years ago when she was living in Buenos Aires, Argentina.

———. This veteran served between July 26, 1918, and March 18, 1919. He has a service-connected mental disability. He has been continuously hospitalized at Veterans' Administration expense since his discharge. A committee had handled his estate since November 10, 1919. Payments of disability compensation were stopped July 7, 1933, but insurance payments have continued at the rate of $56.80 per month. At that time his estate was valued at $22,641.91 but now is $52,269.72.

Reports in 1934–35 show the veteran had a brother and four sisters in Warsaw, Poland. There was also a brother, now deceased, who left surviving him six children in Warsaw, Poland. Another sister resides in Israel. An additional sister immigrated to the United States about 1915 but was reported deceased.

———. This veteran served between December 11, 1917 and February 9, 1919. He has a service-connected mental disability. He has not been hospitalized for this condition. A committee has handled his estate since June 9, 1921. Payments of disability compensation are made at the rate of $91 per month and insurance of $57.50 per month. His estate is valued at $54,991.65. The committee expends $150 per month for the maintenance of the veteran.

The veteran has 3 brothers and 2 sisters, none of whom have seen him in years.

———. This veteran served from May 10, 1918, to April 15, 1919, and from May 10, 1919, to June 1, 1921. He has a service-connected mental disability. He has been continuously hospitalized at Veterans' Administration expense since his discharge. A committee has handled his estate since April 11, 1922. Payments of disability compensation stopped July 17, 1933, but insurance payments continue at the rate of $28.75 per month. At that time his estate was $7,595.32 but now is $20,692.43.

A report from the Polish Embassy dated September 29, 1930, contains a statement from the veterans' alleged sister that the veteran is her brother and that the parents and all other brothers and sisters are dead. She was living in the village of Babrairninkai, Aukstadvaris Community, Lithuania. The committee offered to pay her way for a visit to the United States, but the hospital reported that the veteran did not want to see his sister.

Fifty thousand dollar estate to sister in Italy. ———. This veteran served from July 22, 1918, to December 15, 1918. He had a service-connected disability and was hospitalized at Veterans' Administration expense since shortly after his discharge. A committee handled his estate since December 20, 1924. Since the veteran had a dependent father in Italy, payments of disability compensation were made to the committee until November 1940 when they were discontinued as information as to the continued dependency could not be obtained from Italy, due to the unsettled conditions in that country. At that time the veteran's estate was valued at $34,382.53. The father died in 1941, so compensation payments were never resumed. The veteran died January 15, 1954, leaving one sister, in Italy, surviving him. The committee turned over to the administrator of the veteran's estate the sum of $50,504.18, which will eventually be paid to the sister.

3. As will be noted, our check of 100 cases at random of veterans who have no

wife, child, or dependent parent, serves to reveal that the value of estate in 39 of said cases was under $1,500; the remaining 61 cases have been listed in the categories as supplied by the committee commencing with a minimum estate valuation of $1,500. Incident thereto and with consideration being given the provisions of the statute, Public Law 662, 79th Congress, it was considered that the following comment might prove of some value:

(a) Of the 6 cases falling within the 2 top categories, with the respective estate valuations exceeding $25,000, it was ascertained that all of the 6 estate wards are World War I veterans and that there is currently being paid United States Government insurance disability benefits into each of these estates. As will be readily appreciated, the identified income flows from a contractual source and is not a gratuity.

(b) Two of the group of 6 cases are not affected by the provisions of Public Law 662, 79th Congress; 1 having been continuously maintained in a private hospital at the cost of the estate and the second has not received hospital care for a great many years. This man's estate has shown material increase by reason of the fact that, notwithstanding patent incompetency, he has evidenced miserly tendencies and has insisted upon living in the cheapest type of living quarters with disbursements from the estate being restricted to the absolute minimum.

(c) Of the remaining 4, the estates of 2 of these veterans have been materially augmented by full compensation and insurance payments during long periods in which the dependent parents were living and in whose behalf financial assistance was supplied from the respective estates.

(d) One of the 2 remaining estates is that of a veteran who was legally adjudicated 7 years ago and who was possessed of assets totaling approximately $60,000 at the time of his adjudication.

(e) Estate 36 years old: The sixth and last case, with a current estate valuation slightly exceeding $60,000, is perhaps illustrative of accumulations which may have resulted in the very old estates in which nominal disbursements have been required and which have had the benefit of excellent estate management. This estate has been in existence for a period of 36 years. Full compensation benefit payments were made into the estate of $100 per month up to September 1, 1925; thereafter, said benefit payments were reduced to $20 per month and so continued until July 31, 1930. No gratuity-benefit payments whatsoever have been paid into the estate during the past 25½ years. The estate has been continuously administered by a near relative, but not within the relationship of wife, child, or dependent parent.

4. With final reference to the supplied category listing, it may be of interest to the committee for us to point out that 1 of the cases in which a material estate has accumulated, but not falling within the group of 6 as commented upon above, has been incarcerated in the State penitentiary for approximately 42 years on a life sentence, following a conviction of murder. While no charge has ever been made against this estate for maintenance costs, yet the identified statute, as currently phrased, does not provide authority for termination of payments.

5. As concerns the type of case commented upon in the penultimate paragraph of the committee's request of January 9, 1956, a review of our files reveals only 2 cases in which the incompetent estate wards have died within the past 12 months, leaving rather material estates for distribution to relatives outside the widow, child, or dependent-parent categories. In each of said estates distribution was made to brothers and sisters.

(1) In 1 of the 2 mentioned estates, wherein an estate slightly exceeding a total of $19,000 was left for distribution, the facts were almost identical to those outlined in paragraph 3 (e) above. However, in the subject case rather material maintenance disbursements were made to dependent parents from the estate during a period of 10 years. The dependency of these parents was never administratively recognized by our agency. These dependency disbursements materially reduced estate accrual results.

(2) In the second case, an estate of $15,000 was left by the veteran for distribution. In this case there was approximately $3,000 of liquid assets delivered into the hands of the estate representative at the time of the initial appointment. In this case hospitalization was not required. Disbursements covering maintenance costs of the estate ward were made continuously throughout the administration of the conservatorship estate. Additionally, nominal monthly disbursements were made from the estate for a period of approximately 15 years for a dependent mother with whom the incompetent veteran was residing.

Estates accumulated because of dependents: There are 3 cases in this office similar in nature to the one you have described. In case an estate of $55,061.77 has been accumulated. The incompetent has been in the Veterans' Administration hospital for many years, but continues to draw compensation because he has a dependent mother. In case, the facts are identical and an estate of $25,417.33 has been accumulated. In case, the incompetent has been in the Veterans' Administration hospital for many years. He has an estate of $16,860, which was accumulated before his dependent mother died in 1948. Since that time, payments have been discontinued because his estate exceeds the statutory limits of $1,500. One other case may be of interest. In that case, an estate of $16,021 has been accumulated. The incompetent has been in the Utah State Hospital for a long period of time, and the guardian has paid the cost of hospitalization, fixed by the State at $50 per month. The Veterans' Administration has paid his guardian the full amount of his compensation, resulting in the accumulation.

———. This veteran was under guardianship from 1931 until his death in 1955. He spent most of this time in various prisons, although for the last few months of his life he was a patient in a State mental institution. He was in receipt of a nonservice pension which was $78.75 per month when he died. He left an estate of $10,153.38 which will be inherited by a sister.

———. This veteran was under guardianship from 1924 until his death in 1954. During all of this period, he was confined either in the State penitentiary or in the criminally insane ward of a State mental institution. He received monthly payments of $56.25 under the disability clause of his war-risk insurance from World War I, and also 100 percent disability compensation which was $172.50 per month when he died. Since he was not a patient in a VA hospital, the compensation payments were not discontinued because of the size of the estate. He left an estate of $71,790.17 which was inherited by brothers and sisters.

———. This veteran was under guardianship from 1919 until his death in 1955. During all of this period, he was confined in VA mental institutions. When his dependent mother died in 1939, his service-connected compensation of $100 per month was discontinued because of the size of the estate, but war-risk insurance payments of $57.50 per month continued until his death. When his mother died his estate totaled $22,000. He left an estate of $41,780.40, which will be inherited by a brother and a sister.

———. This veteran was under guardianship from 1931 until his death in 1955. His whereabouts were unknown from 1939 until May 1954. Payment of his nonservice pension was discontinued while he was missing. At the time of his death, he was receiving $78.75 per month. He left an estate of $3,050.99 which will be inherited by a brother.

———. This veteran was under guardianship from 1922 until his death in 1952. He was not a hospital patient during most of this period. He received service-connected compensation which was $150 per month at the time of his death. He lived alone and his needs were not great. He left an estate of $23,899.79 which was inherited by brothers and sisters.

———. This veteran was under guardianship from 1930 until his death in 1955. He was a patient in the VA hospital at American Lake, Wash., from 1930 until 1943. Payment of compensation was in suspense during this period because of the size of the estate. When he was released from the hospital, the estate totaled approximately $7,000. He returned to his native Turkey in 1946. At the time of his death, his compensation had been reduced to $73 per month, because of his improved condition. He left an estate of $4,594.80, which will be inherited by collateral relatives.

———. This veteran was under guardianship from 1939 until his death in 1954. During all this period he was an inmate of the State Soldier's Home at Orting, Wash. He was in receipt of service connected disability compensation, which was $172.50 per month at the time of his death. He left an estate of $11,465.38 to be distributed to three sisters.

———. This veteran was under guardianship from 1928 until his death in 1950. He was not in a hospital, but lived alone during this period. He was in receipt of service-connected disability compensation, which was $150 per month at the time of his death. Because of his preference for a frugal way of life, his monthly expenses were small. He left an estate of $30,720.65, which was inherited by a sister.

———. This veteran, who is still alive, has been under guardianship since 1923. He receives service-connected compensation of $181 per month and also war-risk-insurance payments of $57.50 per month. He lives on a farm, and his needs do not equal his income. At the present time his estate totals approximately $36,000, and he will shortly receive an inheritance of an amount greater than this. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1923. He receives service-connected compensation of $181 per month and also war-risk-insurance payments of $57.50 per month. For many years his condition did not permit the expenditure of any great amount for his needs. His condition has now improved, and he is currently spending slightly in excess of the income. However, he is now 65 years of age, with an estate of approximately $16,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

Fifty-two-thousand-dollar estate: ———. This veteran, who is still alive, has been under guardianship since 1921. At all times since that date he has been a patient in the VA hospital at American Lake, Wash. Until the death of his dependent mother in 1942, he received 100-percent service-connected compensation payments, in addition to $56.76 per month from war-risk insurance. The compensation was discontinued in 1942 because of the size of his estate, as he was without dependents, but the insurance payments have continued. At the present time his estate totals approximately $52,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1921. At all times since that date he has been a patient in the VA hospital at American Lake, Wash. Compensation payments were discontinued

in 1930 because of the size of the estate (under the provisions of the amendatory law of July 3, 1930). Payments of $57.30 per month war-risk insurance have continued to the present time. At the present time his estate totals approximately $56,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1926. He was a patient in the VA hospital at American Lake, Wash., until his discharge in 1952, when he returned to his native Italy. His dependent father died in 1945, at which time his compensation was stopped because of the size of his estate and remained in suspense until his discharge from the hospital. He presently receives $181 per month compensation and $51.75 per month war-risk insurance. At this time, his estate totals approximately $52,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1930. He was hospitalized intermittently until 1945, and has been out of the hospital since that date. He presently receives $181 per month compensation and $57.50 per month war-risk insurance. At this time, his estate totals approximately $29,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

———. This veteran, who is still alive, has been under guardianship since 1929. He has not been in a hospital for any substantial portion of this time. He receives service-connected compensation of $181 per month, and war-risk insurance of $51.75 per month. He has always lived in a miserly fashion and has resisted all attempts by this office and his relatives to improve his standard of living. At this time, his estate totals approximately $48,000. He has no wife, child, or parent, and upon his death his estate will go to collateral heirs.

Payment to brother in Hungary: ———. This veteran was discharged incompetent 1918 and hospitalized by the VA until August 12, 1924. At that time he was returned to Hungary at his own expense and placed in a state institution where he remained until his death December 20, 1942. The veteran had been in receipt of compensation and disability insurance payments at the time of his return to Hungary, his estate totaling $8,026.36. No compensation was paid in the year 1926; otherwise, compensation and insurance payments continued through March 1942. Monthly allowance of $60 was remitted by the guardian for the veteran's support and maintenance through December 1940. A substantial estate accumulated because income to the estate from compensation, insurance, and earnings on investments greatly exceeded expenditures. In 1947, a total estate of $32,026.52 was delivered to the administrator of the veteran's estate. The file indicates that distribution was originally made to the estate of a deceased brother who had been a resident of Hungary, with subsequent administration and distribution to this man's widow and son, also residents of Hungary.

———. This veteran was hospitalized about January 1925 and remained hospitalized until the time of his death, August 7, 1954. Compensation was paid from December 21, 1924, until June 1937, when the veteran's dependent mother died. Payments were stopped at this time as the estate exceeded $1,500. After the death of the veteran, an estate totaling $6,597.57 was delivered to the administrator. The file indicates distribution to 3 sisters and 1 brother.

———. This veteran was hospitalized 1922 to 1925. Accrued compensation in the amount of $5,938.39 was paid to the guardian on February 6, 1924. Compensation was stopped August 30, 1926, because the veteran was rated with less than 10 percent disability. At this time the value of his estate was approximately $5,700. He was rehospitalized October 1931. At this time his estate totaled about $3,200. Compensation was never resumed as his estate exceeded $1,500. A lump-sum insurance premium refund of $960.90 and a lump sum of $632.50 on converted insurance was paid January 10, 1936. Monthly disability insurance payments of $57.50 were paid from 1931 to the veteran's death, April 30, 1952. An estate totaling $22,489.29 was delivered to the administrator with distribution indicated to two sisters.

———. This veteran received VA hospitalization for several years until May 1929 at which time he was transferred to Psychopathic Hospital. He remained there until his death on January 2, 1950. There is no record of disability insurance payment in this case. Compensation was paid from April 28, 1922, until the date of the veteran's death. An estate totaling $11,106.98 was delivered to the administrator with distribution indicated to one brother as the sole heir.

———. Compensation has been paid in this case from July 1921. The veteran is not hospitalized. Disbursements for support of the veteran now exceed compensation paid by the VA. Total value of the estate as of the last accounting by the guardian is $16,135.68, and this amount is considered not as VA funds but as inheritance from veteran's father.

———. This veteran has been hospitalized from 1918 to date. Accrued compensation in the amount of $6,287 and accrued insurance in the amount of $7,590 were paid in 1929. Compensation payments were stopped in 1930. The guardian paid $40 per month to dependent father from 1934 to 1941 but compensation was not resumed. Disability insurance payments of $57.50 per month have been continued. Total value of the estate as of the last accounting by the guardian is $43,268.

Hospitalized from 1922, $49,000 estate: ———. This veteran has been hospitalized since 1922. No compensation payments have been made since September 1930. Accumulated disability insurance in the amount of $11,385 was paid in 1936. Monthly disability insurance payments of $57.50 have continued to date. Total value of the estate as of the last accounting by the guardian is $49,931.27.

———. This veteran had lived with relatives and was not hospitalized until 1949. He has remained hospitalized to date. Accrued insurance of $2,587 was paid in 1927. Compensation was received from 1927 to 1949 and disability insurance payments have been paid from 1927 to date. Total value of the estate as of the last accounting by the guardian is $34,441.70.

———. This veteran was hospitalized November 1927 to August 6, 1951. He is not hospitalized at this time. Compensation was paid from December 1927 until May 1932 at which time it was stopped as the estate exceeded $3,000. Disability insurance payments of $57.50 per month have been paid from June 1928 to date. The benefits currently being paid are compensation in the amount of $172 and disability insurance of $57.50 per month. Total value of estate as of the last accounting by the guardian is $20,018.51, of which $1,480 is real estate not purchased with VA funds.

———. This veteran was originally hospitalized August 1922. He eloped June 1923. He was again hospitalized 1927. Compensation was stopped August 30, 1933, because his estate was over $1,500. Compensation was reopened January 1935 when dependency of mother was established and payments continued to October 6, 1939, the date of her death. The veteran was released from the hospital in April 1944 and compensation was resumed, continuing until November 1955 when the veteran reentered the hospital. There is no record of disability insurance payments in this case. Total value of the estate as of the last accounting by the guardian is $21,864.20.

———. This veteran was hospitalized in April 1924. Compensation was paid from October 1925 through June 1933 when it was stopped as the estate exceeded $1,500. Compensation was reopened September 1938 when the veteran was released from the hospital and continued until March 1944 when he reentered the hospital. Accrued disability insurance of $903.65 was paid January 1926 and monthly payments of $5.75 have continued to date. The total value of the estate as of the last accounting by the guardian is $10,019.23.

Hospitalized since 1918: ———. This veteran was originally rated incompetent and hospitalized March 1918. Accrued compensation of $6,336.18 was paid in January 1924. Dependency of mother was established June 1926. Compensation was stopped December 1929 under General Order 382, but resumed January 13, 1936, and continued through October 1940 when payments were stopped pending determination as to continued dependency of mother. Payments were not resumed. It was determined the mother died in Poland March 1946. There is no record of disability insurance payments. Veteran has been hospitalized almost continuously since his discharge in 1918, and is now hospitalized. Total value of the estate as of the last accounting by the guardian is $30,805.66.

———. This veteran was originally hospitalized September 1921 to May 1929 at which time he eloped. He was rehospitalized July 1933 and again eloped in May 1941. His whereabouts is presently unknown. Compensation was paid from September 1921 to May 1929. Accrued disability insurance was paid October 1934 in the amount of $8,871.20. Monthly disability insurance of $57.50 was paid thereafter to January 1942 when payments were stopped because veteran's whereabouts unknown. Total value of the estate as of the last accounting by the guardian is $25,570.07.

———. This veteran was hospitalized in August 1922 but eloped July 1924. He was rehospitalized December 1931 and discharged from the hospital October 1947. Accrued compensation of $9,380 was paid April 1932. Dependency of mother was established May 1932 and continued until her death in February 1938, at which time compensation payments were stopped. Compensation was reopened in October 1947 when the veteran was released from the hospital and payments are currently made in the amount of $181 per month. Total value of the estate as of the last accounting by the guardian is $15,480.38.

———. This veteran has been hospitalized from 1919 to date. Compensation was paid from 1924 to September 1930. Disability insurance was paid from January 1926 and $57.50 per month is currently being paid. Total value of the estate as of the last accounting by the guardian is $32,287.78.

———. This veteran was committed February 1920 to Woodcroft Hospital in Pueblo, Colo., and later transferred to VA hospital from which he was released in August 1926. He has not been hospitalized since. Disability insurance payments have been paid continuously from August 1919 and compensation continuously from April 1920. The veteran resides in California. He has supplemented his income by odd jobs and has requested the guardian to reduce his monthly checks for support and maintenance because "the Government may need the money." It is indicated that the veteran inherited sums through administration of relatives estates in California. These amounts were paid to veteran and have not been paid to the guardian. Total value of the estate as of the last accounting by the guardian is $52,498.75.

———. World War I veteran, was hospitalized continuously by the United States

Government from date of discharge to date of death on November 8, 1955. He had no dependents or relatives of record and on the date of death the committee for his estate had a balance of $6,003.31, representing benefits paid by the Veterans' Administration. If it is found that the estate will escheat, it will be claimed for the post fund under the provisions of section 17 of title 38 United States Code Annotated.

Thirty years a patient, $66,000 estate: The committee for the estate of ——— is receiving from the Veterans' Administration disability compensation in the amount of $181 monthly and United States Government insurance in the amount of $57.50. The last accounting reports a balance on hand received from the Veterans' Administration in the amount of $66,243.72. The veteran has been a patient in the State hospital for the past 30 or more years. His only relative of record is a sister. Disability compensation payments were suspended under the provisions of Veterans Regulation No. 6 and were subsequently resumed under the provisions of Public Law 662, 79th Congress.

Approximately 12 months ago ——— died in a Veterans' Administration hospital, leaving an estate of $11,000, $5,000 of which represented benefits paid by the Veterans' Administration. The estate was distributed to several nieces and nephews residing in Greece, who had not seen the veteran in many years.

During the past 3 years several veterans have died in the Veterans' Administration Center, Kecoughtan, Va., who prior to their death had received domiciliary care over a period of years, leaving funds on deposit in the amount of from $2,000 to $5,000 which would have been paid to the post fund under section 17 of title 38 United States Code Annotated had they not been claimed by distant relatives who had not shown any interest in or contacted the veterans during their long stay in the Veterans' Administration center.

Benefits to stepfather: ———. This veteran drew service connected benefits from the date of his commitment to a State hospital in the year 1922 until his death in 1954, at which time his estate was valued at more than $30,000. After payment of administration costs a balance in excess of $30,000 was paid to the estate of his mother, who had survived him but whose death occurred before actual distribution of the veteran's estate. There is information of record to the effect that the mother remarried less than 30 days prior to her death and that this individual has received, or will receive, the surviving husband's share of her estate. Records show that this veteran was raised by foster parents, who predeceased him, and that he never left the confines of the State hospital from the date of commitment in 1922 to the date of death in 1954. No next of kin were ever located until about July 18, 1942, when notice was received of an application by one claiming assistance from the estate as the veteran's dependent natural mother. As the result of this application to the county court and hearing thereon, the court decreed her to be the natural mother and ordered certain allowances paid from the estate. Support allowance payments to her were thereafter continued until the veteran's death.

Eighty-year-old veteran, $56,000 estate: ———. A World War I veteran. He has been under guardianship since February 1920. He is a single man, no children, with a dependent parent, ———, who is past 80 years of age, and in a greatly weakened condition. At the time of the date of this memorandum, veteran has an estate of approximately $56,000, which was derived basically from service-connected disability compensation and war risk insurance. Veteran's estate increases at a rate of approximately $2,000 a year. He is now and has been a patient at the VA hospital, ———, for a period of over 20 years. Veteran's mental prognosis is poor, although his general health apparently is good, and he will probably live for a number of years. Veteran's dependent parent, ———, receives $75 a month from veteran's estate, which is ample for his needs. Veteran is survived by one sister and several nephews and nieces who will be the heirs at law of this veteran, and receive the corpus of the estate at his death, in the event that the father does not survive veteran.

———. This case is submitted under paragraph 4 of the basic letter, relating to comments on cases not falling within the specific types to be listed, in that the aforementioned is the widow of said individual, who was under guardianship for a number of years in November 1952, died in November 1952, leaving no children or dependents. Her entire estate of $6,100 was inherited by nephews and nieces, none of whom apparently had ever seen or contacted decedent. Widow died in a State hospital, and her estate was derived from pension, received as unremarried widow of the veteran in this matter.

Sister-in-law to benefit: ———. A World War I veteran. During his lifetime, he was under guardianship from May 1927, until the time of his death. He left an estate composed of money and bonds, totaling approximately $32,000 at the time of his death, in March 1955. He was a single man with no children, dependents, or living parents. Veteran was not in a VA hospital at the time of his death, and his estate was derived from compensation and war-risk insurance. His estate increased at the rate of approximately $1,000 a year, after making allowances for the veteran's care and upkeep, during his lifetime. This veteran's estate is now being probated in the probate court of ———, and veteran's estate, after deducting the normal costs of administration, will be distributed to his heirs at law, consisting of 3 brothers, 1 of whom died a few weeks after veteran, and whose respective share will descend to his widow, a sister-in-law of the veteran in this case.

———. A World War I veteran. He has been under guardianship since December 19, 1921. He is a single man, no children or dependent parents. He has an estate of $32,958.60. This estate was chiefly created by the payment of disability compensation and war-risk insurance. His estate increases in value at approximately $1,500 a year, which is composed of war-risk insurance and earnings on the investments. He is, and has been, a patient for a number of years in the Veterans' Administration hospital, ———. The chances are very strong that this veteran will never reach a sufficient recovery to be released from the hospital.

———. A veteran of World War I. He has been under guardianship since February 13, 1922. He has an estate composed of money, bonds, and real property in the aggregate amount of $38,441.52. This estate was created by the payment of disability compensation and war-risk insurance. He is a single man, has no children, and no living parents. During a period of running of this estate he had dependent parents to whom an allowance was made from the estate. The parents expired a number of years ago. This estate increases at the rate of approximately $1,500 a year as the result of the payment of war-risk insurance, rental on the farms, and interest on investments. He is and has been a patient in the Veterans' Administration hospital, ———, for many years, and the chances are strong that he will never reach a sufficient recovery to be released from the hospital.

———. A veteran of World War I, has been under guardianship since January 7, 1931. He has an estate composed of money and Government bonds in the amount of $32,958.60, created by the payment of disability compensation, war-risk insurance, and earnings on investments in the estate. The estate increases on the average of $1,300 to $1,400 a year by the payment of war-risk insurance and earnings on the investments. A substantial part of this estate was created when he had a dependent mother. The mother expired a number of years ago. He has no dependent wife, children, or parents. This veteran is and has been a patient in the Veterans' Administration hospital, ———, for a number of years. It appears unlikely that he will ever recover sufficiently to be released from the hospital.

World War I insurance payments continue: ———. Born July 16, 1892; served in the United States Navy from May 16, 1918, to August 12, 1919. He has been held incompetent and insane since August 14, 1919, and a guardian was appointed for him on June 23, 1921, by the probate court, ———. He is single and has never had wife or child and has no living parent. He is a patient at Veterans' Administration hospital, ———, and has been for many years. The present value of his estate is $49,915.85, consisting of United States bonds, cost price $40,415.85, and real estate, cost price $9,500. All these assets were purchased with funds derived from the Veterans' Administration. Compensation payments have stopped, but the estate still receives United States Government life insurance in the amount of $57.50 per month. The estate is increasing at the approximate rate of $2,000 per year, the increase consisting of bond interest, rent, and insurance payments. Expenditures each year cover costs of administration and approximately $150 to the Veterans' Administration hospital for the use of the veteran.

———. Born September 19, 1896; served in the United States Army from September 5, 1918, to November 30, 1918. He has been incompetent since November 30, 1918, and a guardian was appointed for him on June 7, 1919, by the probate court, ———. This veteran is presently at Veterans' Administration hospital, ———, and has been for many years. His total estate is $49,759.58, consisting of United States bonds purchased with funds paid by the Veterans' Administration except for the sum of $961. Payments of compensation have stopped, but the veteran receives $57.50 per month from United States Government life insurance. This estate increases approximately $1,000 per year, and the increase is received from interest on bonds; costs of administration are paid; and approximately $200 per year is forwarded to Veterans' Administration hospital, ———, for the use of the veteran.

Murderer's estate increasing at rate of $2,000 per year: ———. Born May 19, 1894, served in the Army from June 28, 1918, to December 2, 1918. He was held to be incompetent and insane from August 3, 1925, and the last rating so holding is dated September 8, 1939. The monthly payment of compensation is $181. On December 3, 1925, this veteran was found guilty of murder and given a life sentence, which he is now serving in the State penitentiary at ———.

The death of this veteran's mother occurred on February 14, 1932, and under the law then in effect payments were stopped as of that date. He now has neither wife, child, nor dependent parent. Payments of compensation were resumed to the guardian of this veteran's estate under Public 662, 79th Congress, effective August 8, 1946, said payments commencing as of August 8, 1946. Under prison rules an inmate may have a maximum of $5 a week for personal needs. This estate will increase approximately $2,000 a year. The present estate is $20,000.

———. Born May 30, 1897, served in World War I. A guardian was appointed for his estate on November 26, 1924. This veteran has no wife, child or parent. His mother's death occurred on July 5, 1953. The veteran was a patient in the State hospital at ——— until July 15, 1954, when he was transferred to ——— Soldiers' Home, ———. Under the State law there is a charge of $12 a week

for maintenance and support. Veteran receives United States Government life insurance in the amount of $56.23 a month, compensation from the Veterans' Administration of $181 a month, and interest on bonds in his estate amounting to approximately $50 a month. He receives approximately $287 a month. His present estate is in excess of $27,000. The estate will increase about $2,500 a year. Insurance payments since November 11, 1921, amount, up to the present time, to $23,110.53.

———. Under guardianship since 1948; original inventory was $18,460.36; present estate is $15,918; receives VA insurance payments; all other assets are non-VA; nearest relative is sister.

Forty-seven thousand dollars in Government bonds—brother to benefit: ———. Present estate, $47,297; under guardianship since 1926 to receive Government insurance payments, which are still being paid; assets all United States bonds; brother nearest relative; dependent mother died 1941, up to which time compensation payments were received.

———. Under guardianship since 1920; present estate, $20,919. Dependent mother died 1948; Government insurance still being paid monthly to estate; nearest relative and present guardian sister of veteran.

———. Under guardianship since 1929; present estate, $11,790; no payments being made; nearest relative is brother, who is guardian.

———. Under guardianship since 1925; present estate, $10,347; monthly compensation payments of $181 being made to guardian; veteran has no known relatives; hospitalized; mother was guardian until her death in 1935.

———. Under guardianship since 1924; present estate, $12,320; no VA payments being made; nearest relatives sister and brother; guardian received monthly VA payments until 1943 when veteran's wife died and payments then stopped.

———. Under guardianship since 1923; present value of estate, $12,093; no current VA payments made since 1954, when veteran's dependent mother died; nearest relative sister, who is guardian.

———. Under guardianship since 1924; present value of estate, $14,240; no payments made currently nor have there been since the original $1,900 in 1924. Balance of estate accrued through non-VA sources. Veteran has no known relatives in the United States; escheat proceedings will probably be taken upon death of veteran.

———. Under guardianship since 1935; value of estate, $10,719; veteran lives at nursing home; guardian receives VA compensation and insurance payments; sister nearest relative.

———. Under guardianship since 1928; value of estate, $27,728, current insurance payments; brother nearest relative; estate built up from original sum of $2,100 plus insurance payments, monthly, and interest on investments.

———. Under guardianship since 1923; estate value, $21,244; only income is interest on investments and dividends; dependent mother died 1949; brothers and sisters nearest relatives.

———. Under guardianship since 1918. Value of estate, $68,039; present income consists of monthly VA insurance payments, interest on investments, and dividends. Estate comprises all VA funds. Nearest relative is brother.

———. Under guardianship since 1937; estate value, $14,109; receives monthly Navy retirement benefits; veteran's mother died 1949; guardian-sister nearest relative.

———. Under conservatorship since 1929. Estate value, $17,736; income consists of interest and monthly compensation payments from VA. He is not in hospital; nearest relative is sister.

———. Under guardianship since 1920. Current value of estate $33,168, all VA funds. Income consists of monthly insurance payments and interest on investments; sister nearest relative; mother died 1929.

———. Under guardianship since 1924; estate, $13,795; no current payments from VA; income is interest only; nearest relative is niece.

———. Under guardianship since 1921; value of estate, $37,137 with monthly VA insurance payments, interest, and real-estate rentals; dependent father and former guardian died 1946, since which time compensation payments have ceased; brother nearest relative; considerable assets are non-VA.

———. Under guardianship since 1922; estate value, $14,750 with monthly compensation payments, interest, and commercial insurance; veteran not in hospital; sister-guardian nearest relative; dependent mother died 1951.

———. Under guardianship since 1922; value of estate, $19,264; no Government payments now; income interest only; all assets came from VA; sister nearest relative.

———. Under guardianship since 1922; estate value, $22,263 with monthly insurance and compensation payments from VA; veteran now under foster-home care; nephew-guardian nearest relative; mother died 1930.

———. Under guardianship since 1936; current estate, $29,232, with rents from real estate largest source of income; also receives interest; sister-guardian nearest relative; had $9,200 worth of real estate at time of appointment.

———. Under guardianship since 1924; estate value $15,839 with VA monthly insurance and compensation payments; also receives income from rent and sale of real estate; brother-guardian nearest relative; parents deceased prior to 1926.

———. Under guardianship since 1947; current estate $1,325,289. Nearly all estate is non-VA funds represented by various types of securities; guardian also receives disability compensation and VA insurance payments; veteran in private hospital; sister nearest relative.

Thirty-one-thousand-dollar estate, income from investments: ———. Under guardianship since 1920; estate $31,122; no VA payments being made; income solely from investments; brother (if alive) nearest relative, in Poland; compensation payments therefore suspended.

———. Under guardianship since 1928; estate $27,030; insurance payments monthly from VA; brother-guardian nearest relative; dependent mother died 1937.

———. Under guardianship since 1926; estate $32,658 with monthly VA insurance payments, interest, and dividends as income; sister nearest relative; assets appear to be all VA funds.

———. Under guardianship since 1921; estate $17,321; no VA payments being made; only income is interest; sister nearest relative; dependent mother died 1950.

———. Under guardianship since 1922; estate value $18,529; VA insurance payments monthly and interest, as income; sister nearest relative; dependent father died 1946.

———. Under guardianship since 1939; estate value $16,730 with monthly retirement and insurance payments from Government; veteran's wife divorced 1949; sister nearest relative.

———. Under guardianship since 1919; estate value $12,314 with monthly payments of compensation and insurance from VA; also, income on savings; nearest relative sister with whom veteran lives in Portugal.

———. Under guardianship since 1920; estate now $17,565 with insurance and compensation payments monthly from VA; brother-guardian nearest relative, with whom veteran lives; dependent parents deceased 1932.

———. Under guardianship since 1924; estate value $39,042 with monthly insurance payments from VA and interest on investments as only income; sister nearest relative; all VA funds.

———. Under guardianship since 1924; value of estate $13,913, with current income interest on bonds; receives compensation when not hospitalized; sister nearest relative; dependent father died 1945.

———. Under guardianship since 1952; estate $12,882, with monthly VA payments of compensation; all assets are Government benefits; sister nearest relative.

Thirty-six-thousand-dollar estate, no dependents, total compensation continues: ———. This World War I veteran has been under guardianship since August 1922. He receives compensation for 100-percent service-connected disability. He has been confined in State hospital, an institution for the criminally insane, ———, since 1922. As of October 1955 his estate totaled $36,340, all traceable to benefits paid by the Veterans' Administration. Monthly payments of compensation in the amount of $181 continue. Available records fail to reveal any dependents, or in fact, any next of kin.

Niece and nephew in Switzerland: ———. World War I veteran under guardianship from November 1926 to August 30, 1955, date of his death. At the time of his death he was drawing 100-percent service-connected compensation. He was hospitalized in Veterans' Administration hospital, ——— from 1925 to 1931. In 1931, at his wish, he was delivered to the care of a brother in Zurich, Switzerland. He died in Zurich leaving an estate of $36,000, all derived from Veterans' Administration benefits. Apparently, 1 niece and 2 nephews living in Switzerland will inherit, as no closer next of kin are known to exist.

———. This World War I veteran, under guardianship since March 1920 has been in and out of Veterans' Administration hospitals since that time. Now he is hospitalized in Veterans' Administration hospital, ———. Payment of compensation for 100-percent service-connected disability is in suspense because estate is over $1,500, veteran is hospitalized in Veterans' Administration hospital, and he has no dependents. Present value of estate is $36,150, all traceable to benefits paid by the Veterans' Administration. Nearest next of kin are brothers and sisters.

———. World War I veteran has been under guardianship since May 1928. He has no dependents. Received compensation for 100-percent service-connected disability until April 1951 when payments were suspended because he was hospitalized in a Veterans' Administration facility, his estate was over $1,500, and he had no dependents. Monthly payments of war-risk insurance benefits in the amount of $42.44 continue to the present time. The estate now totals $29,486, all of which is traceable to funds paid by the Veterans' Administration. Nearest known next of kin is a sister.

Sister to benefit under $57,000 estate: ———. This World War I veteran, under guardianship since November 1919, was in and out of State institutions until July 1949, when he entered Veterans' Administration hospital, ———, where he is now. As of July 1955 his estate totaled $57,747. Compensation for 100-percent service-connected disabilities was suspended July 1949 because veteran was being maintained in Veterans' Administration facility and had no dependents. Payments of war-risk insurance benefits of $57.50 a month continue. Available records indicate a sister as the nearest next of kin. The total estate of $57,747 is traceable to funds paid by the Veterans' Administration.

———. World War I veteran under guardianship since September 1921. He is hospitalized in the Veterans' Administration hospital, ———. At the present time

$57.50 a month is being paid to his guardian, who is his sister. These payments represent war-risk insurance benefit. Prior to 1949 he was paid compensation for 100-percent service-connected disability. These payments were suspended in 1949 when his dependent mother died. At the present time the estate in the hands of the guardian is $46,523, all traceable to benefits paid through the Veterans' Administration. It appears that his sister is his nearest next of kin.

Two brothers, $85,000 estate: ———. This World War I veteran has been under guardianship since May 1920. He has been a patient in ——— State hospital since January 1923. As of July 1955 his total estate was $37,946.26 of which $31,746.26 is traceable to benefits paid by the Veterans' Administration. Current payments are being made of $181 a month for service-connected disabilities. He has no legal dependents. His next of kin is a brother, ——, also under guardianship, whose estate is over $48,000, 95 percent of which is traceable to funds paid by the Veterans' Administration.

———. This World War I veteran has been under guardianship since May 1920. His estate as of July 1955, totaled $48,752.83 of which $46,252.83 is traceable to funds paid by the Veterans' Administration. Current payments are being made of $181 a month for 100-percent service-connected disabilities and $57.50 a month for war-risk insurance. Veteran has no legal dependents and is living with a cousin of his deceased mother. His nearest next of kin is a brother, ———, also under guardianship, whose estate is over $37,000, 80 percent of which is traceable to funds paid by the Veterans' Administration.

———. This World War I veteran has been under guardianship since February 1926. He has been continuously confined in ——— State hospital, an institution for the insane, ——— since 1926. As of March 1955, his estate totaled $31,914, all traceable to benefits paid by the Veterans' Administration. $181 monthly payments for service-connected disabilities continue. Available records indicate he has no legal dependents and that his sister, who is also his guardian, is his nearest next of kin.

———. Veteran under guardianship since June 1922, presently drawing 100-percent service-connected disability compensation. He was in and out of Veterans' Administration hospitals between 1926 and 1948. Since 1948 he has been living with a paternal uncle in ——— who is his guardian. Present value of his estate is $28,390, all traceable to benefits paid by the Veterans' Administration. Nearest next of kin known to exist are aunts, uncles, and cousins.

———. The veteran died January 27, 1952. Settlement to death showed assets in the amount of $10,174.54. Surviving heirs: ———, brother; ———, sisters.

———. Veteran died February 18, 1954. Settlement to death showed assets in the amount of $44,892.05. Surviving heir: ———, brother.

———. Veteran died January 27, 1955. Settlement to death showed assets in the amount of $47,065.68. Surviving heirs: 3 sisters and 3 brothers and 1 nephew, all living in Greece.

———. Veteran died December 29, 1955. Settlement to death showed assets in the amount of $2,269.99. Surviving heir:———, brother.

———. Veteran died July 6, 1954. Settlement to death showed assets in the amount of $36,402.10. Surviving heirs: 2 sisters, both married; ———, brother.

———. Veteran died February 11, 1954. Settlement to death showed assets in the amount of $1,884.37. Surviving heir: ———, brother.

———. Veteran died July 28, 1955. Settlement to death showed assets in the amount of $16,108.68. Surviving heir: ———, brother.

Sister inherits $38,000: Case No. 1: This veteran is now deceased and his claims file is located in the ——— office. The now closed guardianship file is still in this office and the information recited below is from the guardianship file and from the personal recollection of the attorney who handled the case and who reviewed the claims file shortly before the veteran's death in January 1955.

The veteran was inducted into service in early 1918 after having been paroled from a ——— State mental institution. He was absent without leave for several months but was not tried by court-martial because he was found insane and was given a medical discharge on December 5, 1918. A few years later he was rated 100 percent disabled through service-connected disability. Because he was then hospitalized at a State hospital and later at a Veterans' Administration hospital, his guardian only received a nominal amount of compensation. The veteran remained hospitalized approximately from 1920 or 1922 to the date of his death in 1955.

As of August 15, 1950, his estate amounted to $12,766.48, practically all of which came from sources other than from the Veterans' Administration. Application was then made for reinstatement of the veteran war-risk insurance and for waiver of premiums on that insurance. Reinstatement and waiver of premiums was granted as was total disability insurance benefits, and the estate was paid in April 1951 the sum of $22,367.50, representing disability insurance benefits at the rate of $57.50 monthly from December 5, 1918. Thereafter, the estate received $57.50 monthly until the veteran's death in January 1955, at which time the estate now amounting to $38,981.31 was inherited by his sister. From February 1943 to his death, a total of $599.20 of the estate money was expended on the veteran personally.

Relatives uninterested: Case No. 2: This veteran served in World War I from April 6, 1917, to January 13, 1920. He was admitted to the Veterans' Administration hospital at ———, on March 7, 1921, where he has been continuously hospitalized since that time. A guardian qualified for the veteran's estate on February 13, 1922. Since the appointment of said guardian, there has been expended directly for the benefit of the veteran only about $2,000. The veteran's mother and father are both deceased and our records disclose that he had 4 brothers and 2 sisters, although there is an indication that these brothers and sisters are deceased. He is, however, survived by nieces and nephews who are eligible to take under the laws of descent and distribution of this State, which now amounts to $42,186.59, all of which came from the Veterans' Administration or interest on investments from VA funds. The veteran's estate has been paid disability insurance of $57.50 monthly since January 14, 1920, or a total payment of disability insurance of $24,150 as of January 14, 1956. In addition to the aforesaid disability insurance, the veteran received disability compensation at varying rates ranging from $20 monthly to $100 monthly from January 14, 1920, until September 30, 1930, at which time the disability compensation was suspended under the provisions of Public Law No. 2, 73d Congress, his dependent father having died. One of the attorneys of this center recalls a conversation with the guardian in this case wherein it was disclosed that the veteran has only nieces and nephews eligible to eventually inherit the estate and none of the relatives personally contacted by the guardian exhibited any interest in the veteran or any desire to personally visit him at the hospital in ———, even at the expense of the estate.

Case No. 3: This case is that of a veteran of the Philippine Insurrection receiving pension under special Congressional act in the amount of $24 monthly from Veterans' Administration, all of which funds are expended for his care and maintenance. The Veterans' Administration appointed a guardian in 1942 as the veteran was not hospitalized, prior to which time the veteran had been receiving pension payments direct since 1929. He is maintained in a private home for the aged and the estate consists entirely of private funds, including $2,500 yearly from private insurance. The estate is growing at the rate of $600 to $800 yearly. A brother is his closest relative. The estate is now $8,032.05.

Case No. 4: This World War I veteran died in 1954 with an estate of approximately $19,500. He was rated incompetent by the Veterans' Administration in 1929 and a guardian was appointed. The guardian received accrued compensation of $2,100 and monthly compensation payments of $70 from January 15, 1929, also Government insurance of $57.50 monthly. In 1932 the guardian received lump-sum payments of approximately $9,000 by reason of determination that the veteran was totally disabled for Government-insurance purposes from date of discharge March 18, 1919, and said payment represented the accrued amount due. The veteran was hospitalized off and on for short intervals by the Veterans' Administration, but was principally a nonhospital patient. His estate increased gradually through the years. All funds were received from the Veterans' Administration. The estate is presently in probate and it appears it will not escheat to the Government as a person claiming to be his sister has put in an appearance and according to the latest information, a person claiming to be a brother will intervene in the estate. The veteran was 100-percent disabled and service-connected.

Case No. 5: This World War II veteran was committed to Veterans' Administration hospital, ———, in 1949. He is 100-percent disabled and service connected and an institutional award of $181 monthly was being paid to the hospital manager until the estate exceeded $1,500 in a comparatively short time. The veteran inherited a considerable estate from his father which accounts for the appointment of a guardian in 1954. The veteran was on trial visit from December 9, 1954, to December 27, 1955, when he was discharged MHB and incompetent and compensation payments of $181 monthly to the guardian have been made since that date. One thousand four hundred and seventy-five dollars and fifty-five cents of the veteran's $27,385.25 estate is considered to have been derived from Veterans' Administration funds. He has a brother and/or sister.

Case No. 6: This World War I veteran has been hospitalized at the Veterans' Administration hospital, ———, for years. The portion of the estate considered as derived from the Veterans' Administration is $825 invested in United States savings bonds. This represents the proceeds of World War I adjusted service certificates. There is no evidence in the chief attorney's file that the veteran is entitled to compensation or pension. A guardian was appointed in 1946 to conserve veteran's private estate. The estate, which now totals $15,808.87, is growing at the rate of about $1,500 a year. The veteran's only known heir is a sister.

Twenty-nine thousand dollars to brothers and sisters: Case No. 7: This World War I veteran has been hospitalized at the Veterans' Administration hospital, ———, since May 6, 1922. The guardian was initially receiving Veterans' Administration compensation of $30 monthly and Government insurance of $56.45 monthly, an additional $20 compensation being paid monthly to the hospital manager by means of an institutional award. The veteran then had dependent parents who received an allowance of $75 monthly for both from veteran's estate.

The veteran had a private income of a few hundred dollars yearly from first mortgages and his estate in 1922 amounted to about $6,000. The veteran's father died in 1928 and allowance for the veteran's mother was reduced to $25 monthly, with the institutional award of $20 monthly continuing to the hospital manager, the balance of benefits being paid to the veteran's guardian. Through acquisition of real estate from mortgage foreclosures, the veteran acquired considerable interest from real estate and that, together with an increase of compensation of $100 monthly in 1929, resulted in a gradual increase of the veteran's estate, which had grown to $12,000 in 1933. In 1933 the veteran's compensation for service-connected disabilities was terminated and he was thereafter paid as a non-service-connected case. The veteran's mother died in 1939 when his estate amounted to about $15,000. Payments of compensation have since then been discontinued because his estate is over $1,500. The estate which is now $29,557.57 increases about $1,000 yearly because of the Government-insurance payments of $56.45 monthly and earnings on investments. The funds in the estate have never been segregated. It takes only about $200 a year for the veteran's needs. His heirs are brothers and sisters.

World War I veteran estate of $67,000: ———, an incompetent World War I veteran, served from April 4, 1918, to August 20, 1918, with the Armed Forces of the United States. Disability compensation for a service-connected disability has been paid in his behalf from August 21, 1918, to the present time with the exception of periods when he was hospitalized in a Veterans' Administration hospital. Also disability insurance payments were made in his behalf from August 21, 1918, to February 19, 1943, at the monthly rate of $57.50. His guardian, ———, appointed October 25, 1919, by the court of common pleas, ———, is receiving disability compensation at the monthly rate of $181 in his behalf. The guardian is paying from his estate allowances for his maintenance to his sister with whom he resides. His Veterans' Administration funds have accumulated, have been invested by the guardian, and at the present time his estate is in the amount of $67,385.91. The sister with whom he resides would be his heir under the ——— statutes provided she survives him. He also has a niece who is the daughter of this sister and also a second cousin living at the present time.

Ninety-three-thousand-dollar estate: ———, a World War I incompetent veteran who is now 66 years old, enlisted in the armed services on May 15, 1918, was honorably discharged December 19, 1918, and was awarded disability compensation benefits for a 100-percent service-connected disability commencing December 20, 1918. He was also awarded war-risk-insurance benefits at the monthly rate of $57.50 commencing December 20, 1918. The ——— was appointed guardian of his estate on April 10, 1920, by the court of common pleas, ———. On September 18, 1953, a successor guardian, the ———, was appointed by the same court and this guardian is in full force and effect at the present time. The veteran has been continuously hospitalized at Veterans' Administration hospitals. However, disability compensation was paid to the guardian even though the veteran's estate was in excess of $1,500 inasmuch as he had a dependent mother who was receiving an allowance from the guardian for her maintenance. Upon the death of the mother, payments of disability compensation were suspended as of December 31, 1946, since the veteran who was hospitalized in a Veterans' Administration hospital was single without dependents and his estate was in excess of $1,500. No further payments of disability compensation have been made to the guardian since that time. However, payments of disability-insurance benefits are not affected by the size of the estate and these insurance payments have been made continuously. The present value of the veteran's estate is $93,347.77. This amount is entirely made up of Veterans' Administration benefits and interest on investments over a period of years with the exception of $70 representing ——— State bonus. At present the veteran has 2 sisters and 3 brothers who will constitute his heirs under the laws of the State of ——— if they survive him.

Seventy-eight-thousand-dollar estate: ———, a World War I incompetent veteran who is hospitalized at the ——— State Hospital, ———, where he has been a patient for more than 30 years. His guardian, ———, receives disability compensation at the monthly rate of $181 and payments of disability insurance from the Veterans' Administration at the monthly rate of $57.50. He is not maintained at the expense of the Veterans' Administration, the cost of his care and maintenance at the ——— State Hospital being paid for by his guardian to the ———. His estate at present is valued at $78,065.78, made up entirely of Veterans' Administration benefits paid in his behalf since January 14, 1919, and interest on investments. He has a brother living at present who would be his heir under the laws of the State of ——— if he survives him. We have no knowledge of any other relatives.

Sixty-seven-thousand-dollar estate: ——— is an incompetent World War I veteran who has been hospitalized many times in Veterans' Administration hospitals since his discharge on February 7, 1919, but presently is not hospitalized. Payments of disability compensation in various amounts and payments of disability insurance at the monthly rate of $57.50 have been made in his behalf since the date of his discharge. At the present time his guardian, The ———, ——— is receiving the sum of $181 disability compensation for a 100-percent service-connected disability and the monthly disability-insurance payment of $57.50. The guardian is paying funds from his estate for his maintenance at the home of his brother. The present value of the veteran's estate is $67,571.22. He has two brothers at the present time who would be his heirs under the laws of the State of ——— provided they survive him.

——— is an incompetent World War I veteran in whose behalf 100-percent disability compensation has been paid since May 4, 1918, following his discharge from service. This veteran has at all times since his discharge been hospitalized at a Government hospital but payments were continued in his behalf as he had a dependent mother. However, upon the death of his mother, payments were suspended as of April 8, 1939, inasmuch as his estate was in excess of $1,500. The veteran's guardian, The ———, is receiving payments of disability insurance in the amount of $57.06 monthly. These payments have been in effect since May 4, 1919, and are continuing as they are not subject to suspension due to the size of the estate. In addition to these payments, the guardian also received the proceeds from the veteran's adjusted service certificate in the amount of $1,565. The present value of the veteran's estate is $55,923.09. He has a sister who would be his heir under the laws of the State of ——— provided she survives him. We have no record of any other relatives.

———, a World War I incompetent veteran, has been rated 100-percent disabled since October 3, 1918, and disability compensation was paid on his behalf in various monthly amounts from that date until December 30, 1952, at which time payments were suspended as he was single without dependents and hospitalized at a Veterans' Administration hospital where he still remains a patient. The veteran's guardian, ———, has also received disability insurance payments from the Veterans' Administration at the monthly rate of $57.50 commencing October 3, 1918, and these payments are continuing at the present time. The value of the veteran's estate is now $61,335.90, which is made up of Veterans' Administration benefits, with the exception of $2,089.69 which was his share of his deceased mother's estate. At present the veteran has a living sister who would be his heir under the ——— statutes provided she survives him. He also has a maternal aunt in whose home he resided for a number of years prior to his present hospitalization.

———, a Spanish-American War incompetent veteran for whose estate his mother was appointed guardian on December 4, 1922. Upon her death, a nephew of the veteran was appointed to serve as guardian of his estate, and upon his death ——— was appointed guardian of the estate and is still serving in that capacity. Payments of pension have been made to the guardian in various monthly amounts on behalf of the veteran since 1922 and at present his estate is in the amount of $4,837.70. The veteran is and has been since 1922 hospitalized at the ——— State Hospital, ———. His guardian is paying the Commonwealth of Pennsylvania for the cost of his care and maintenance at the ——— State Hospital. The only living relative of the veteran as shown from our records is a nephew.

One-hundred-percent disabled since World War I: ———, an incompetent World War I veteran, was discharged from the service July 31, 1919, and has been rated 100-percent disabled due to a service-connected disability commencing August 1, 1919. Disability compensation was paid in his behalf at various monthly rates until September 30, 1944, at which time payments were suspended as he had no dependents, his estate was in excess of $1,500 and he was hospitalized at a Veterans' Administration hospital. Prior to this time, he had a dependent mother and payments were continued despite the fact that he was hospitalized at the expense of the Veterans' Administration continuously. His guardian, ———, receives payments of disability insurance from the Veterans' Administration in the amount of $57.50 monthly. These payments have been made on behalf of the veteran since August 1, 1919, and are continuing as the size of the veteran's estate has no effect on such payments. At the present time, the veteran's estate is in the amount of $52,784.11, composed entirely of Veterans' Administration benefits including the sum of $894 proceeds from his adjusted service certificate and interest on investments. The veteran has a brother living at the present time who would be his heir under the laws of the State of ——— provided he survives him. The veteran has recently been transferred to a Veterans' Administration hospital in ——— to be near his brother who resides in ———.

Niece eligible for $49,000: ———, a World War I incompetent veteran, has been rated 100-percent disabled since September 16, 1919, and disability compensation has been paid in his behalf in various amounts from that date until the present time. The veteran's guardian, ———, is presently receiving disability compensation for the veteran at the monthly rate of $181. Disability insurance payments have also been made on behalf of this veteran at the monthly rate of $57.50 from September 16, 1919, and are continuing at present. This veteran is not hospitalized at present nor is there any evidence of record to indicate that he has ever been hospitalized. The guardian is paying from the veteran's estate sufficient funds for his support and maintenance at the home of a friend. The estate is now valued at $49,368.40 which is made up completely of Veterans' Administration benefits and the interest from investments with the exception of the sum of $120 which was paid in his behalf as a ——— State bonus. The nearest relative of the veteran at present is a niece

who would be his heir under the ——— statutes provided she survives him. We have no knowledge of any other relatives.

———, an incompetent World War I veteran, has been rated 100-percent disabled by reason of a service-connected disability from April 3, 1923. Disability compensation has been paid on his behalf in various monthly amounts from that date. His guardian, the ———, is presently receiving disability compensation at the monthly rate of $181. The guardian has also been receiving payments of disability insurance from the Veterans' Administration in the amount of $55.85 from April 3, 1923, until the present time. The veteran has not been hospitalized since December 22, 1941, and he has resided for many years with his cousin who receives funds from the guardian for his support and maintenance. His estate at present is valued at $28,535.14. The cousin with whom he resides would be his heir under the ——— statutes provided she survives him. We have no knowledge of any other relatives.

Aunt and 13 first cousins: ———. A World War I incompetent veteran who was hospitalized in Veterans' Administration hospitals from September 18, 1922, until the time of his death on March 21, 1950. The court of common pleas, ——— appointed ———, his brother, guardian of his estate on March 3, 1924. Payments of disability compensation for a 100-percent service-connected disability were made to this guardian until July 1930, at which time they were suspended. The estate at the time of suspension was in the amount of $4,384.54 and the veteran was determined to be single without dependents and hospitalized at the expense of the Veterans' Administration. In addition to the disability compensation, the veteran's guardian was receiving the sum of $650 from the Veterans' Administration representing the proceeds from his adjusted service certificate. His guardian brother died in 1937 and the court of common pleas, ———, appointed the ——— Bank, ———, as successor guardian on May 24, 1937. This guardianship was still in full force and effect at the time of the veteran's death. All funds not required for the veteran's incidental needs were conserved and invested by the guardian. At the time of death the estate of the veteran was valued at $5,585.01. The funds in his estate were distributed by the court-appointed administrator to his aunt and 13 first cousins who were his heirs at law in accordance with the ——— State statutes.

———. A World War I incompetent veteran rated 100 percent disabled due to a service-connected disability and entitled to disability compensation under the provisions of Public Law No. 2, part I, 73d Congress. His father, ———, was appointed guardian of his estate on August 24, 1920, by the court of common pleas, ———. The father subsequently died and the same court appointed the ———, as successor guardian on April 30, 1938. This guardianship was in full force and effect at the time of the veteran's death on June 1, 1949. Except for a short period of hospitalization immediately preceding his death, when he was hospitalized at a Veterans' Administration hospital, the veteran was at all times since 1919 hospitalized at private mental institutions, his maintenance costs being paid to the institutions by the guardian from his estate. The guardian received disability compensation at various amounts monthly from 1920 until the day of his death at which time these payments were at the rate of $138 monthly. The guardian also received payments of disability insurance from the Veterans' Administration at the monthly rate of $57.27 from March 5, 1920, until the date of his death and the proceeds of his adjusted service certificate in the amount of $1,329. Funds not required for the maintenance of the veteran were conserved and invested by the guardian. At the time of death, the estate of the veteran was in the amount of $37,137.25. The funds in his estate were distributed by the administrator to an aunt and an uncle, his heirs at law, in accordance with the ——— statutes.

Two aunts, 2 uncles, 15 first cousins in Italy: ———, a World War I incompetent veteran who was committed on May 1, 1922, to the ——— State Hospital for the criminal insane. He remained at that institution until his death on July 14, 1952. On March 11, 1924, the court of common pleas, ——— appointed Reverend ——— guardian of his estate. This guardian died in 1943 and the same court appointed the ——— Bank, ——— as successor guardian on March 16, 1943. This guardianship was in full force and effect at the time of the veteran's death. The guardian received disability compensation 100-percent-service-connected disability in various monthly amounts and at the time of death payments were at the monthly rate of $167.50, which included an additional allowance for a dependent mother who resided in Italy. The guardian forwarded to the veteran's dependent mother a quarterly allowance for her maintenance. The guardian also was paying the ——— for the cost of the veteran's care and maintenance at ——— State Hospital and also forwarding to the superintendent of the hospital funds for the veteran's incidental needs. The balance of the disability compensation benefits together with the proceeds of the veteran's adjusted service certificate in the amount of $1,385 was conserved and invested by the guardian. At the time of the veteran's death, his estate was in the amount of $23,531.12. The court appointed administrator made distribution to the heirs at law under the statutes of the State of ———. The veteran's mother predeceased him, her death having occurred on July 9, 1952, while he died on July 14, 1952. His heirs were 2 aunts, 2 uncles and 15 first cousins all residing in Italy and these are the persons to whom distribution was made by the administrator.

The following cases have been selected to show the pattern, where incompetent veterans are hospitalized at ——— State Hospital for the criminal insane. We supervise 120 cases in this category where the majority of veterans are entitled to 100-percent service-connected compensation and where $151 monthly is currently being deposited each month in personal funds of patients. There are many cases where there is $10,000 or more to the credit of a veteran in personal funds of patients and these funds are accumulating every month. Most of the men remain in ——— State Hospital for many years. With few exceptions veterans hospitalized in other State hospitals are entitled to receive only non-service-connected pension and funds do not accumulate rapidly. Also for the most part, veterans in other State hospitals do not remain there for many years as the veterans do at ——— State Hospital.

———, a World War II incompetent veteran, was committed to ——— State Hospital on February 8, 1950. Disability compensation for a 100-percent service-connected disability has been paid in his behalf since this date and presently the monthly rate of compensation is $181. The sum of $30 monthly is being paid to the hospital superintendent for the veterans' incidental needs and the balance is being deposited in personal funds of patients. At present there is on deposit to his credit the sum of $11,908.11, and the sum of $151 is continuing to be deposited each month to his credit. He has a father and mother living at present, each over the age of 70 years. The parents have not been determined to be dependent. They would be his heirs under the laws of the State of ——— provided they survive him. We have no record of any other relatives.

World War II estate of $18,000: ———, a World War II incompetent veteran, was committed to ——— State Hospital on January 17, 1948, where he has remained until the present time. Disability compensation for a service-connected disability has been paid in his behalf since that time, and presently the rate of compensation is $181 monthly. Until July 31, 1952, the sum of $30 monthly was awarded the hospital superintendent for the veteran's incidental needs and the balance was deposited in personal funds of patients. Payments to the superintendent were suspended as of July 31, 1952, as there were sufficient funds in his account at the hospital for his incidental needs. Since August 1, 1952, the full amount of the disability compensation has been deposited each month in personal funds of patients. There is at the present time the sum of $18,737.71 to the credit of the veteran in personal funds of patients and these funds are accumulating at the rate of $181 monthly. The veteran's mother is living, but has not been determined to be dependent. She would be his heir under ——— laws if she survives him. The only other known relative is an uncle.

———, a peacetime incompetent veteran was committed on, May 2, 1940, to ——— State Hospital for the criminal insane, where he remains a patient to the present time. He is rated 100 percent disabled for a service-connected disability and presently is entitled to the sum of $145 monthly. The sum of $30 monthly is being paid to the superintendent, ——— State Hospital for the veteran's incidental needs and the balance of $115 is being deposited in personal funds of patients. At present there is on deposit in his account the sum of $11,974.55. The veteran's father is living and would be his heir under ——— statutes if he survives him. He also has a brother and sister living at present. The father of the veteran has not been held to be a dependent parent.

———, World War II incompetent veteran has been committed to ——— State Hospital for the criminal insane. He is entitled to disability compensation for a 100-percent disability at the monthly rate of $181. The sum of $30 monthly is paid to the superintendent, ——— State Hospital for his incidental needs and the balance of his benefits are deposited to his credit in personal funds of patients. At present there is the sum of $12,377.80 in his account. He has a brother and a sister who would be his heirs provided they survive him.

———. This incompetent veteran who served during a period other than a war period is 54 years old and has been committed to ——— State Hospital for the criminal insane. He is rated 100 percent disabled for a service-connected disability and presently is entitled to benefits at the monthly rate of $145. The sum of $30 monthly is being paid to the hospital superintendent and the balance is being deposited in personal funds of patients. At the present time there is on deposit in personal funds of patients to the credit of this veteran the sum of $10,719.43. The veteran is unmarried, without dependents, but has a brother and a sister who would be his heirs provided they survive him.

EXHIBIT A

Incompetent veterans alive

Name	Assets	Next of kin
1	$25,385	Brothers and sister.
2	87,433	Do.
3	42,800	Do.
4	45,251	Mother, 84 years.
5	52,306	(?).
6	16,124	Brother and sister.
7	35,374	Brother.
8	32,330	Sisters.
9	16,016	Brother.
10	13,076	Do.
11	33,032	Brother and sister.
12	26,580	Sister.

EXHIBIT B

Incompetent veterans deceased

Name	Veteran died	Assets	Surviving next of kin
1	May 30, 1955	$6,926	Brother.
2	Nov. 1, 1955	6,398	Sisters.
3	Apr. 4, 1955	2,800	Sister.
4	Oct. 25, 1955	8,000	Brother and sisters.
5	Jan. 7, 1954	3,936	Niece and nephew.
6	June 8, 1954	4,631	Sister.
7	Sept. 26, 1955	10,556	Brothers.
8	Dec. 11, 1954	3,301	Do.
9	Nov. 17, 1953	6,744	Sister.
10	May 6, 1954	3,177	Brothers and sisters.
11	Mar. 18, 1955	2,185	Do.
12	Oct. 18, 1955	6,338	Do.
13	June 2, 1951	30,400	Brother.
14	Nov. 25, 1954	2,134	Sister.
15	Nov. 1, 1955	3,729	Do.
16	Jan. 11, 1956	4,314	Nephews and niece.
17	Nov. 19, 1955	2,784	Sister.
18	Dec. 12, 1955	2,737	Do.
19	Feb. 7, 1955	3,133	Brother.
20	Oct. 22, 1954	8,089	Nieces and nephews.
21	May 7, 1955	59,441	Sisters and brothers.

———. The final account of the committee was judicially settled ——— by the Supreme Court of the State ———, which directed that the balance of the estate, $4,272.27, be turned over to the public administrator of ——— County. On ——— the United States attorney for the ——— advised that he had filed a claim for the escheat of the fund which was derived from World War I part III pension, pursuant to title 38, United States Code, section 450 (3). The veteran died intestate and without heirs.

The State ———, through its attorney general, filed a claim for past hospitalization, totaling $4,520, which was rejected by the public administrator on the ground that it had previously filed a claim in the Supreme Court of the State of ——— in connection with the judicial settlement of the committee's final account, and that said claim had been granted. Rejection was also based on the further ground that the fund was exempt from the claims of creditors arising prior to the appointment of the fiduciary. Since the latter ground did not appear to be valid and the first reason subject to dispute, and in view of the sovereign nature of the claimant, a compromise was arrived at between the attorney general of the State ——— and the United States attorney ——— whereby the State ——— would receive 65 percent of the fund outright in payment of the hospitalization claim, and whereby the remaining 35 percent of the fund would be paid into the treasury of the city ——— pursuant to ——— State Surrogate Court Act, ———. This deposit was to be made subject to a reclaim by the United States upon the decision of the appeals which are now pending in the Hammond and Segal matters referred to in this report.

The effect of the deposit under ——— of the Surrogate's Court Act is to cause funds so deposited to be placed in the abandoned property fund of the State ——— after the expiration of 20 years if not claimed within that time by kin.

——— died June 20, 1953, at ——— State Hospital without kin and intestate.

The final account of the committee was judicially settled ——— by the Supreme Court of the State of ———, which directed that the balance of the estate, $18,190.71, be turned over to the public administrator of ——— County. Payments had been made to this World War I veteran's committee for the 100 percent service-connected disability of the veteran from ——— although the veteran had no dependents of record but was committed as criminally insane to the hospital above named on July 18, 1923, by the court of general sessions (a criminal court in the city of ———). At the time of resumption of payments, the veteran's estate was in excess of $9,000 resulting from payments made by the Veterans' Administration for the same purpose prior to August 31, 1934.

———. This World War I veteran entitled to part III benefits died intestate and without kin.

The final account of the committee was judicially settled by the Supreme Court of the State of ———, which directed that the balance of the estate, $1,842.20, be turned over to ———, county treasurer of ———, as administrator. The administrator was appointed by the surrogate of ——— County, ———. Claim for the proceeds was made by the United States attorney for ———.

The attorney general of the State of ——— also claimed the property under section 272 of the Surrogate's Court Act of ———. This section requires that unclaimed property of unknown persons be paid through the comptroller of the State of ———.

Surrogate ——— County held, in an opinion ———, that there is no escheat in the State of ———.

The effect is that after 20 years the comptroller of the State of ———, pursuant to section 600 of the abandoned property law of the State of ———, will pay the balance of the estate to the abandoned property fund. This decision was appealed to the appellate division of the Supreme Court of the ———, by the United States attorney for the ———. The record has been printed and the brief prepared and the United States attorney is now awaiting reply briefs.

WORLD WAR I INSURANCE AND DEPENDENTS CAUSE LARGE ESTATES

Our chief attorney advises that his statistical records do not break down the cases of deceased veterans to show estates going to collateral relatives but that he knows of two such cases, ——— and ———. In the ——— case, 8 sisters and brothers and 6 nieces and nephews, the latter being the descendants of a deceased brother and sister of the veteran inherited an estate consisting of $504.16 in cash and $1,800 in United States Government bonds. In the case of ———, an estate consisting of $2,652.53 was inherited by 3 brothers and sisters and 19 nieces and nephews, the latter descendants of deceased brothers and sisters of the veteran.

Our chief attorney feels that there may have been other such cases but since cases are closed out and placed in an inactive file to await destruction at the end of 5 years, with no supervision over these inactive files, he is unable to locate any more cases in this category.

An analysis has been made of the 31 cases at this center of veterans who are single and have no dependents and whose estates are in excess of $10,000. It is felt that the results of this analysis may be of interest.

Of these 31 cases, 28 are World War I veterans and 3 are World War II veterans. Two of the three World War II veterans are not hospitalized. One of these and the one who is hospitalized have both received the major portion of their estates from inheritances.

In 12 of the 31 cases, compensation payments were stopped prior to the passage of Public Law 662, 73d Congress, and in 7 cases, payments were stopped after passage of that law. The remaining 12 veterans receive full compensation—11 are not hospitalized and 1 is in a State hospital. Seventeen of the twenty-eight World War I cases are receiving payments of World War I insurance benefits.

In our experience, there are two factors which have caused the accumulation of large estates for hospitalized veterans—(1) World War I insurance payments, (2) the existence of a dependent. In some cases both factors have contributed.

The nonhospitalized veterans also fall into two classes. There are those who accumulated sizable estates while hospitalized and when released needed only the current VA payments for maintenance. The corpus of these estates increases each year by reason of interest and return on investments. The remainder are accumulating large estates because either their standard of living, or the protected environment in which they live, does not require the use of the entire monthly payment for support and maintenance.

It might be of interest to point out that other large estates are being built up in cases of veterans hospitalized by the VA who have no wife, but have a dependent parent or parents, or a dependent child. In these cases, the veteran needs only a small portion of the monthly VA payment for his personal needs. An adequate amount is provided for the dependents and the balance accumulates either in the hands of a guardian or in the patients' account at a VA hospital in institutional award cases.

Twenty-eight-thousand-dollar estate: ———. This veteran has been continuously hospitalized at Veterans' Administration hospital, ———, for a service-connected disability since 1919. Due to the dependency of his mother being established August 31, 1919, his guardian has been in receipt of 100-percent disability payments. At the time of his mother's death, October 15, 1955, his estate made up wholly of compensation and war-risk insurance payments was $28,208.67. There are relatives who will inherit upon decease of the veteran.

———. The veteran has been continuously hospitalized at Veterans' Administration hospital, ———, for service-connected disability since 1924. At the time his mother was adjudicated a dependent in 1930, his estate consisted of $506.50 in cash, and a home purchased for his mother from Veterans' Administration assets, costing $6,000. At the time of his mother's death, December 30, 1954, his estate composed entirely from compensation and war-risk insurance payments was valued at approximately $29,200. There are relatives living.

———. Veteran continuously hospitalized Veterans' Administration hospital, ———, for service-connected disability, since April 11, 1921. The dependency of both parents, residing in Poland, was established in 1921. In 1941, his compensation award was suspended because it was no longer possible to ascertain whether or not his parents in Poland were still alive. At that time his estate, wholly derived from Veterans' Administration payments, was $11,429.71. In 1949, his mother arrived in Vancouver, British Columbia, Canada, and on September 22, 1949, was again adjudged a dependent. The veteran's award resumed effective August 30, 1949, and continued to December 14, 1955, day of his mother's death. His estate was $21,023.98. There are relatives living.

———. The veteran has been continuously hospitalized at Veterans' Administration hospital, ———, since 1934 for a nonservice-connected disability. At the time his father's dependency was established in 1939 his estate was $1,771.65. At the time of his father's death, April 30, 1955, his estate was $4,245.78. There are relatives living.

———. Veteran continuously hospitalized at Veterans' Administration hospital, ———, for service-connected disability since 1944. On March 8, 1945, father was adjudged a dependent. When he died May 12, 1954, the estate, made up entirely of compensation awarded by virtue of the dependency, was $13,833.75. There are relatives living.

———. Veteran continuously hospitalized at Veterans' Administration hospital, ———, for service-connected disability since June 30, 1945. Based upon the establishment of his mother's dependency in November 1947, his estate increased from $1,500 in 1947 to $10,053.53 at the time of his mother's death in May 1954. Other relatives living.

———. Veteran continuously hospitalized at Veterans' Administration hospital, ———, for service-connected disability since 1943. Mother's dependency established 1943. When she died in January 1956 his estate

was $10,270.86, made up wholly on the basis of dependency. Relatives are living.

Brother receives $41,000: ———. The veteran has been continuously hospitalized in a State hospital with brief sojourns in sanitariums since 1925. He was awarded 100 percent service-connected disability. Upon his death in July 1954 his estate of $41,033.33 comprised wholly of Veterans' Administration benefits, passed to his brother.

———. The veteran was continuously hospitalized at Veterans' Administration hospital, ———, from October 1949 to his death, January 13, 1956. Due to the dependency of his mother being established in 1949, his estate, consisting entirely of Veterans' Administration compensation, was $7,286.98 at the time of death. There are relatives living.

———. The veteran shot and killed his wife and shot himself in the head in 1923. He was committed to ——— State Hospital for the Criminally Insane. As a result of shooting himself he became totally blind. Under the law he was awarded service-connected disability compensation. Additionally his mother was adjudged a dependent which further increased the award, until her death, April 18, 1948. Payments by the guardian to the State ——— stopped in 1946, when an ——— law was amended prohibiting collecting support money for an insane patient still under indictment. At the present time the Veterans' Administration is paying $3,615 a year compensation on behalf of the veteran. Of this amount, $150 per year is required for his incidental needs and desires. His estate, composed entirely of Veterans' Administration compensation payments, was $32,515.79 as of January 17, 1956. There is at least one relative, a brother, living.

———. World War I veteran died May 30, 1951, at the Veterans' Administration Hospital, ———. The estate was $30,040.74, of which $29,466.33 was derived from the Veterans' Administration. The heirs were a brother, a sister, nieces, and nephews.

———. Spanish-American War veteran died October 3, 1953, at the ——— State Hospital, ———. The estate was $12,789.45, of which $11,462.66 was derived from the Veterans' Administration. The heirs were brothers.

———. World War I veteran died September 9, 1955, at the Veterans' Administration Hospital, ———. The estate was $1,322.71, all of which was from funds paid by the Veterans' Administration. The only heirs were a nephew and a half-brother.

———. Veteran died at Veterans' Administration Hospital, ———. Estate of $9,127.10. One brother survived.

———. $1,733.25 inherited by sister.

———. $2,707.78, 3 sisters and 1 brother survived. Veteran lived with stranger; not related to family.

———. Estate of $2,305.35 inherited by brothers and sisters.

———. Estate of $1,069.59. Veteran left a brother to inherit.

———. Estate in excess of $1,000. One brother survived.

———. Estate of $1,980.61, inherited by 2 sisters, 5 nieces, and 1 nephew.

———. Estate of $2,008.88. Two sisters survived.

———. Estate of $5,517.09, inherited by 3 nephews and 2 nieces.

———. Estate of $6,921.81, of which $4,615.93 was derived from the Veterans' Administration. Two brothers survived.

———. Estate of $1,858.36 ($1,279.03 Veterans' Administration funds) inherited by 3 brothers and 2 sisters.

Distant relative to receive $30,000: ———. Estate of $30,917.68, representing Veterans' Administration benefits obtained under Post Fund Statute (38 U. S. C. A. 17). Will go to distant relative if claimed within the statutory period.

———. Estate of $1,301.89 obtained under Post Fund Statute (38 U. S. C. A. 17), subject to claim by relative within statutory period.

———. Died September 18, 1953, at Veterans' Administration Hospital, leaving an estate of $10,132.69, which was inherited by 2 nephews and 2 nieces living in ———. The veteran was hospitalized at Veterans' Administration hospitals for approximately 30 years.

———. Died October 18, 1953, at ——— State Hospital, ———, leaving an estate of $4,494.98 (all derived from Veterans' Administration) which was inherited by 1 nephew and 3 nieces living in California.

———. Died September 19, 1955, at ——— State Hospital, ———, leaving a conservatorship estate of $4,037.92 (all Veterans' Administration funds) which was inherited by a niece living in Illinois.

(a) ———, a veteran of World War I, died August 15, 1955, survived only by brothers and sisters. This veteran had been a patient at the Veterans' Administration hospital, ———, for many years and until the death of his mother on January 12, 1950, compensation for 100 percent service-connected disability had been paid to his mother as guardian and later to a sister who served as his guardian. The veteran's needs were satisfied with small sums sent to the hospital from time to time for his personal requirements. His mother too lived very modestly so that her allowance from the veteran's funds never exceeded $900 in any year and the first account filed after her death showed accumulated assets in cash and United States savings bonds of $17,251.37. Subsequent expenditures for the veteran's needs and the small expenses connected with guardianship have reduced this sum to $17,012.63. Presumably the veteran's brothers and sisters take equal parts of this estate since we do not believe the veteran left a will.

(b) ———, a World War I veteran, died on April 29, 1955. This veteran spent the last years of his life in a Veterans' Administration domiciliary home during which time his compensation payments were stopped. He had, however, been entitled to compensation for 100 percent service-connected disability when not maintained by this Administration and payments of $11.50 per month from his United States Government life insurance. He was always able to live very adequately on very little money. Consequently, at his death he left an estate of $6,021.94. A letter from the attorney who served as his guardian, received after the veteran's death, advises that he had made a will some years before in which he provided for the perpetual care of his cemetery lot, for a small legacy to his stepchildren, and for the residue of his estate to go to his sister and two brothers.

(c) Brother and half brother inherit: ———, a World War I veteran under guardianship, died June 26, 1951. Subsequent to his military service he was hospitalized by the Veterans' Administration at various places and intervals until May 16, 1941, when he was released finally and took up his residence in ———. This veteran was entitled to compensation for 100-percent service-connected disability and United States Government life insurance payments of $57.50 monthly. Since this income proved more than sufficient for his needs, he left an estate composed of cash and personal assets valued at $25,025.51. The veteran was survived by a brother and a half brother to whom this estate presumably was distributed.

(d) ———, a World War I veteran, died at the hospital, this Veterans' Administration Center, on October 19, 1955, having survived his wife by approximately 2 years. For many years after his military service this veteran, while hospitalized by the Veterans' Administration, was entitled to compensation based on 100-percent service-connected disability and monthly payments of $57.50 from his United States Government life insurance. These payments were made to his guardian. Since the veteran's wife, during her lifetime, had a small income of her own, her allowances from his funds were modest and, by virtue of careful administration, the estate at the time of last accounting amounted to $33,562.13. The record indicates that the veteran was survived by two sisters who presumably will inherit.

1. In a recent case a veteran was adjudged incompetent on March 4, 1930, and was under guardianship continuously until his death at a Veterans' Administration hospital on December 22, 1955. His estate of $11,934, of which $9,277 was derived from disability compensation, will be distributed among 5 brothers and 2 sisters.

2. Forty-seven-thousand-dollar estate, no heirs: In 1955, the United States attorney for the eastern district of ——— completed a case in which over $47,000 escheated to the United States. This estate was accumulated from benefits paid by the Veterans' Administration to the guardian of the veteran. The veteran who was hospitalized in a Veterans' Administration facility for many years died while a patient and left no heirs.

Veteran B served in World War I, having enlisted on June 17, 1917, and discharged July 8, 1918. At the time of his discharge he was shown by the Army to have a service-connected mental disability. Claim with the Veterans' Administration was not filed for him until 1930, at which time he was awarded 100-percent service-connected compensation. His sister qualified as guardian in the county court of ———. The veteran was a patient in several Veterans' Administration hospitals for various lengths of time from 1930 until the date of his death in the latter part of 1954. After his death, the guardian filed her final account which reflected cash and bonds of the value of $27,391.85. The veteran was survived by neither a wife, child, nor dependent parent, and the accumulated estate passed under the laws of descent and distribution of the State of ———, to his surviving brothers and sisters and their heirs.

Veteran H served in World War I and as of January 4, 1933, was granted a statutory tuberculosis award in the amount of $60 per month. At the time of the granting of the original award, his mother was held to be a dependent parent. In 1937, the veteran became insane and was committed to the Veterans' Administration hospital, ———. A legal guardian was appointed for the veteran's estate and such guardianship continued until the date of his death on April 30, 1955. The dependent mother of the veteran predeceased him, having died on April 20, 1950. Due to the death of the dependent parent and the fact that the veteran was hospitalized in a Veterans' Administration hospital, the payments were discontinued to the guardian as of date of death of the dependent mother. After the death of the veteran on April 30, 1955, the guardian filed his final account which reflected an estate of $4,825. These funds under an administration proceeding on the estate of the deceased veteran, passed to his heirs-at-law, which consisted only of first and second cousins.

Veteran W served from May 18, 1920, to January 13, 1921. Shortly after his discharge he filed a claim with the Veterans' Administration and was granted compensation due to mental disability incurred in service. The veteran became a patient in the Veterans' Administration hospital, ———, in 1925, and remained in a Veterans' Administration hospital until the date of his death on November 12, 1954. In 1934, a guardian for the veteran's estate was appointed in the county court of ———. At the time of the veteran's death, the guardian filed a final account in such estate requesting a distribution of the assets to the heirs-at-law.

The final account showed an estate of approximately $2,553, which funds were distributed to the brothers and sisters of the veteran and to the children of two deceased brothers and sisters.

(1) Closed cases in which veteran died and had no wife, child, or parent:

(a) This veteran died leaving an estate of $19,677.39.

(b) This veteran died leaving an estate of $2,119.77.

(c) This veteran died leaving an estate of $7,408.35.

(d) This veteran died leaving an estate of $5,201.18.

(e) This veteran died leaving an estate of $6,139.03.

(f) This veteran died leaving an estate of $2,200.

(g) This veteran died leaving an estate of $7,000.

(h) This veteran died leaving an estate of $2,600.

(2) Active cases in which veterans have no wife, child, or parents:

(a) This veteran is hospitalized, and his present estate consists of $23,560. His compensation payments have been suspended since June 7, 1938, but he is drawing a disability insurance payment in the sum of $17.25 per month.

(b) This veteran is hospitalized. His compensation was terminated on July 31, 1951. His present estate consists of $1,676.62.

(c) This veteran has been hospitalized from time to time. He is not hospitalized at the present time, and his present estate is valued at $3,183.54.

(d) This veteran is hospitalized. Payments have been suspended since February 8, 1933. His present estate is $5,754.60.

(e) This veteran was hospitalized from May 1948 to June 1955, when payments were resumed. His present estate is $3,368.11.

(f) This veteran is hospitalized, and his present estate is $4,486.66.

(g) This veteran is hospitalized, and his payments were suspended July 30, 1950. His present estate is $3,982.99.

(h) This veteran is hospitalized, and his present estate is $3,991.29.

(i) This veteran is hospitalized, and his present estate is $7,323.98.

(j) This veteran is hospitalized, and his estate is $3,300.33.

(k) This veteran is not hospitalized. His present estate is $4,743.14.

(l) This veteran is not hospitalized. His present estate is $11,067.16.

(m) This veteran is hospitalized in the United States Public Health Service hospital, ———. He is receiving 50 percent of the officers' retirement pay and $57.50 disability insurance payments each month. His present estate is $26,697.54.

(n) This veteran is hospitalized, and compensation payments have been in suspense since June 30, 1933. He is receiving disability insurance payments at the rate of $5.75 each month. His estate is $6,552.06.

(o) This veteran has been hospitalized continuously, and payments were suspended on December 19, 1932. The total assets of his estate at the present time are $20,002; however, the VA assets only consist of $8,384.60.

(p) This veteran has been hospitalized since 1929. He had a dependent mother who died in 1944, when payments were stopped. His present estate is $10,174.68.

(q) This veteran has been hospitalized since 1926. Payments for compensation were suspended when the estate reached $1,500, but in 1934, dependency of both parents was established and payments reopened. The surviving parent died in December 1947, when the estate, at that time had accumulated $21,266.75, at which time payments were again suspended. The veteran is still hospitalized and the estate is now $22,600 due to the return on investments.

(r) This veteran is not hospitalized. He has been under guardianship since 1926. At the present time he is receiving $181 per month. His guardian invested the money in real estate which is conservatively valued at $28,000 and his estate at the present time is valued at approximately $40,000 and is increasing each year as he does not use all of his income.

(s) This veteran is hospitalized. Parents established dependency. By August 1953, both parents died. His present estate is $12,754.

(t) This veteran was hospitalized in 1921. His father established dependency until 1939, when he died. Compensation was discontinued at that time but the disability insurance payments, amounting to $28.75 per month, are continuing. His estate is $17,346.15.

(u) This veteran was in the hospital most of the time from 1921 until 1945. His present monthly disability compensation is $181 and $57.50 disability insurance payment. The veteran has real estate valued at approximately $5,000. His present estate is $20,000.

PARENTS ONLY

(3) Active cases in which veterans have no wife or child but only have aged parent as dependent:

(a) This veteran has been hospitalized since 1932. He has a dependent mother who, at the present time, is 80 years of age. He is service-connected and due to the dependency has been receiving $198.50 per month for disability compensation and $57.50 in insurance benefits, totaling $256 per month. His present estate is $60,905.45.

(b) This veteran has been continuously hospitalized with the exception of occasional trial visits since November 1948. Both parents established dependency, but the father has since died. At the present time his compensation is $198.50. His mother is 56 years of age. His present estate is $10,000.

During the last 2 years 6 guardianship cases of incompetent veterans were terminated by reason of death. In five of these cases, the veterans were survived by either wife, child, or parent, who inherited the residuary estates totaling $11,781.35. In the remaining case, the veteran was survived by seven brothers and sisters who inherited the veteran's estate amounting to $1,879.98.

Estates of certain incompetent veterans under guardianship having no wife, child, or dependent parent:

Sixty-one-thousand-dollar estate to Rumanian relatives: Veteran ——— left an estate of $61,391.53, and brothers and sisters living in Rumania are the sole heirs under ——— intestacy laws.

Entire estate of this veteran was derived from VA benefits, and the United States attorney, with the assistance of the chief attorney, Veterans' Administration, instituted action in the Orphan's Court of ——— for escheat of the estate to the United States under the provisions of title 38, United States Code Annotated, sections, (3), (5). Claim for escheat is based on the fact that the relatives living in Rumania cannot submit satisfactory evidence of their relationship to the deceased, or proof that they will derive full benefit from estate distributed to them, in view of uncertain conditions in Iron Curtain countries and since the State Department has held that it cannot certify as to the correctness of documentary evidence submitted by citizens of such countries living therein. Extensive court hearings were completed on January 26, 1956, and decision of the court will be rendered in the near future.

Veteran ——— died intestate in VA hospital, ———, on July 4, 1955, and left an estate of $30,812 derived from VA benefits. Brothers and sisters of the veteran are heirs under laws of ——— and estate will be distributed to them by order of Orphans' Court of ———.

Veteran, ———, under guardianship of ———, since December 20, 1941 died intestate on January 20, 1952. Veteran had been a patient at ——— State Hospital, ———, and ——— was paid for care and maintenance of the veteran while in the hospital. Final account filed by guardian shows $26,900.29 in estate. Veterans' Administration notified guardian that estate would be claimed under escheat law by Veterans' Administration under title 38, United States Code Annotated, sections (3), (5). Subsequent investigation revealed existence of a first cousin who is entitled to inherit estate under ——— laws. In a statement given to field examiner on June 7, 1955, cousin said he had not seen the veteran since 1928.

Veteran ———, confined in VA hospital, ———. Estate of $10,836 under guardianship of ———. Payments stopped because of no dependents and size of estate. No relatives living in United States. Possible escheat of estate to United States upon death of veteran.

Veteran ———, confined in VA hospital, ———, no evidence available of dependents. Mother reported living in Russia, but proof not available. Estate of $65,948 from VA benefits will no doubt escheat to United States upon death of veteran.

Veteran ———, without wife, child, or parent, confined in VA hospital, ———, has estate of $47,035, derived from VA benefits, under guardianship of ———. No benefits being paid at this time because of size of estate and veteran being hospitalized at expense of Veterans' Administration.

Veteran ———, living in Italy, has no wife, child, or parent, and his estate of $11,557 derived from VA benefits, under guardianship of ———. Compensation benefits of $172.50 a month being released to guardian.

Veteran ———, under guardianship of ———, appointed on July 12, 1937, in the Common Pleas Court of ———. Veteran has been hospitalized since 1927. The most recent accounting field with this office on October 24, 1955, shows estate contains $54,717 derived from VA benefits. Our records indicate the veteran had been a waif and has no known relatives.

Brother and sister to receive $88,000: Veteran ———, under guardianship since December 11, 1920. Present guardian is ——— jointly with ———, a brother. According to accounting filed July 9, 1954, estate contains $88,897.17. Veteran has been hospitalized for many years, although he does leave occasionally on short trial visits, but always returns. Veteran's immediate relatives are a brother, ———, and a sister ———. Assets in estate are all derived from VA benefits.

4. We found only one case of a closed guardianship in which the estate had been distributed to heirs. In that case the guardianship estate totaled $67,360.48. The estate consisted of $65,600 in bonds and $1,760.48 in cash. The veteran was a World War I veteran, had received service-connected disability and was receiving compensation at the rate of $181 monthly and payments of war-risk insurance in the amount of $57.50 monthly. The veteran had been under guardianship for 35 years upon the occasion of his death. It was found that the veteran owned a one-sixth interest in certain real estate which he inherited from his father; his interest, however, being valued at only $425. The veteran had been hospitalized for a considerable period of years and was paid compensation until approximately 1 year prior to his death, at which time he was placed in a sanitarium, the payments for which were made from the guardianship estate. At the time of his death the veteran had heirs consisting of 3 sisters and 2 brothers, 1 of

whom had acted as guardian throughout the entire guardianship period.

———. This World War I veteran had a guardian appointed for his estate on June 5, 1939. He was hospitalized at the Veterans' Administration hospital, ———, from that time until the date of his death in this hospital on December 3, 1949. He received disability-insurance benefits from the Veterans' Administration in the amount of $28.75 monthly. At the time of his death he had an estate of approximately $14,000. He was single and without dependents, and was survived by 2 brothers and 2 sisters. At the time the chief attorney discontinued supervising the case, the guardian was serving as ex-officio administrator of the estate, and litigation was pending in the superior court of ———, to have the heirs determined.

———. A guardian served for the estate of this World War I veteran from March 25, 1932, to date of the veteran's death in the ——— State Hospital, ———, on June 25, 1954. During the period of the guardianship he was an inmate of the State hospital. At the time of his death his estate was of the approximate value of $11,000. Prior to his death the veteran was receiving from the Veterans' Adminstration disability compensation benefits of $138.25 monthly. His dependent mother died in June 1953. The guardian is serving as ex officio administrator of the estate and litigation is presently pending in the court of ordinary ——— to determine the heirs and to require a final accounting and settlement. According to the petition filed in court by an alleged aunt, the veteran was not survived by a widow or lineal descendants, or parents, and was survived by the aunt and several descendants of deceased brothers and sisters.

Two brothers, two sisters, and half brother: ———. This World War I veteran has had a guardian appointed for his estate since September 6, 1937, and since that time he has been hospitalized in the Veterans' Administration hospital, ———. It appears that he is 100-percent disabled for a service-connected condition. Compensation payments to his guardian were stopped May 31, 1949, when his stepmother and only dependent died. He is, however, currently receiving from the Veterans' Administration disability-insurance benefits in the amount of $57.50 per month. His estate amounted to $46,277.82 as of March 31, 1955, date of the guardian's last accounting. He has no parents, wife, or children. Nearest relatives consists of 2 brothers, 1 sister, and a half brother.

Fifty-seven thousand dollar estate: ———. This World War I veteran has had a guardian appointed for his estate since May 14, 1919. His present guardian has been serving since November 13, 1936. Since January 8, 1925, he has been hospitalized in the Veterans' Administration hospital, ———. He is receiving disability insurance benefts from the Veterans' Administration in the amount of $57.50 monthly. His estate was of the value of $57,411.67 as of November 13, 1955, date of the guardain's last accounting. Income to the estate is now approximately $1,900 per year, consisting of insurance payments and interest. No parents, wife, or children of record.

———. This World War I veteran has had a guardian appointed for his estate since March 7, 1938. During this period he has been hospitalized at the ——— State hospital, ———. He is single and without dependents. Nearest relative is a brother in Florida. This veteran is currently receiving compensation beenfits of $67 monthly. As of March 8, 1955, date of his guardian's last accounting, his estate was of the value of $50,829.23. The bulk of this estate consists of private property and income therefrom. Income to the estate is now approximately $3,000 per year, consisting of compensation benefits received from the Veterans' Administration and interest.

One-hundred-five-thousand-dollar estate: ———. This World War I veteran has had a guardian appointed for his estate since October 5, 1921. Since that time he has been hospitalized in the Veterans' Administration hospital, ———. He is a single man without dependents. Parents are deceased and the guardian is his brother. He has not received disability compensation benefits from the Veterans' Administration for many years due to his excessive estate, but he is currently receiving disability insurance benefits of $57.50 monthly. His estate was of the value of $105,258.64 as of July 13, 1955, date of the guardian's last accounting. The bulk of this estate consists of private property owned by the ward—19 housing units and 1 business building, etc., and interest received therefrom. This estate, due largely to receipt of rents and interest, is increasing approximately $5,000 per year over and above expenses.

———. This World War I veteran has had a guardian appointed for his estate since July 17, 1933. Since October 1945 he has been hospitalized at the Veterans' Administration hospital at ———. He is single and without dependents. His parents are deceased, and his nearest relatives consist of a brother and 1 or 2 sisters. He is not receiving compensation or pension benefits from the Veterans' Administration, but he is currently receiving disability insurance benefits from the Veterans' Administration in the amount of $57.50 monthly. His estate was of value of $28,660.96 as of July 17, 1955, date of the guardian's last accounting. The estate presently has an income of approximately $1,300 annually, consisting of interest and insurance payments.

———. This World War I veteran has had a guardian appointed for his estate since 1919. Since 1921, he has been hospitalized in the Veterans' Administration hospital, ———. It appears that he has a service-connected disability, but he has received no compensation benefits from the Veterans' Administration since around November 1930, due to an excessive estate. He is currently receiving from the Veterans' Administration disability insurance benefits of $57.50 monthly. He is single and without dependents. His parents are deceased, and it appears that he may have one brother. His estate was of the value of $46,395.55 as of January 5, 1956, and income into the estate is now approximately $1,900 per year, consisting of interest and insurance payments.

———. This World War I veteran has had a guardian for his estate since July 8, 1920, and he has been hospitalized at the Veterans' Administration hospital, ———, since August 1926. He apparently has a service-connected disability, but compensation payments have not been paid for many years due to an excessive estate. He is currently receiving from the Veterans' Administration disability insurance benefits of $57.50 monthly. He is single and without dependants. His parents are deceased, and his nearest relatives consist of two brothers, a sister, and possibly a half brother. His estate was of value of $45,986.83 as of July 13, 1955, date of the guardian's last accounting. Income to the estate is now approximately $1,700 per year, consisting of disability insurance payments and interest.

Seventy-thousand-dollar estate to brothers and sisters in Poland: During recent years there have been distributed in this area a number of estates of incompetent World War I veterans who, either immediately upon separation from service or shortly thereafter and until death, were continuously hospitalized in Government institutions and who were entitled to compensation for total disability. Due to the dependency of parents these veterans continued to receive compensation notwithstanding assets in excess of the statutory limit; and, from this compensation alone or combined Veterans' Administration compensation and disability insurance payments, accumulated sizable estates until compensation terminated upon death of the parent. In two instances, the veterans' compensation was temporarily interrupted during World War II in view of the statutory limit and because the parents resided in hostile or enemy-occupied territory and their existence and/or continued dependency could not be verified. However, subsequently, upon proof of existence and continued dependency of the parents, compensation benefits were resumed until the parent in each case died. One of these veterans was survived by an estate valued at $59,000, which was distributed equally to 1 sister in this country and 4 brothers and 4 sisters in Italy. The other left assets of $70,500 and reportedly is survived by a brother and sister in Poland. This latter estate is deposited pursuant to order of court with a register of wills in this State being held in a special account until in due course claimed by person or persons legally entitled thereto. If the purported brother and sister are unable to satisfactorily establish relationship there are aunts, uncles, and other more distant relatives in this country who are probably entitled to the inheritance under the intestacy laws of Maryland.

Sixty-one thousand dollars to 1 sister and 3 brothers: Another such case with assets over $61,000 is being distributed to sisters, brothers, and descendants of a deceased brother of the veteran; and 1 valued at $36,000 was distributed in shares of one-fourth each to 1 sister and 3 brothers.

Recently there was also noted the case of a totally disabled veteran of the First World War who, while under guardianship and not hospitalized, accumulated $7,400 from Veterans' Administration compensation benefits surplus to his needs. His estate was inherited by a surviving 85-year-old aunt.

Currently there is pending litigation in this jurisdiction on an estate of approximately $5,000 left by a totally disabled veteran of World War I who during his lifetime received continuous hospitalization at Government expense. This $5,000 accumulated from adjusted service compensation and monthly disability benefits prior to termination of said disability payments because of the statutory limit in 1931. This decedent's nearest of kin known to this office are nieces and nephews who it is anticipated will assert claim to the estate.

EXHIBIT A.—*1st category—Presently hospitalized incompetent veterans with neither wife, child, nor dependent parents in VA hospitals*

Case No.	Value of estate [1]	Nearest of kin
1	$16,702	Brother.
2	16,820	Brothers and sisters.
3	17,472	Do.
4	18,752	Sister.
5	20,126	Brothers and sisters.
6	21,756	Brother.
7	23,843	Brothers.
8	24,377	Niece.
9	34,557	Brother.
10	36,835	Nephew.
11	38,366	Brother.
12	40,366	Do.
13	42,657	Sister.
14	46,147	Nephew.
15	47,113	Brothers.
16	54,051	Cousins.

[1] Cents omitted.

EXHIBIT B.—*2d category—Presently nonhospitalized incompetent veterans with neither wife, child, nor dependent parent*

Case No.	Value of estate [1]	Nearest of kin
1	$17,450	Sister.
2	19,418	Brother and sister.
3	20,160	Do.
4	30,964	Sister.
5	49,578	Do.

[1] Cents omitted.

EXHIBIT C.—*3d category—Estates of deceased incompetent veterans with neither wife, child, nor dependent parent which were inherited by distant relatives*

Case No.	Value of estate	Nearest of kin
1	$15,304.50	Sisters and brothers.
2	33,055.43	Sister.
3	11,267.17	Sisters.
4	31,907.04	No dependents shown in file; succession not completed.
5	34,478.78	Brother and sister.
6	[1] 43,440.74	Sister.

[1] Plus $4,832.86, property.

Ten thousand dollar to sixty thousand dollar estates: There are currently in this office several active guardianships with estates varying from $10,000 to $60,000, all from Veterans' Administration sources, of which the case of ——— is a typical example. He is a World War I veteran, and has been continuously hospitalized by the Veterans' Administartion since before 1922. His estate is now in excess of $56,000, and has been built up over the years by reason of the recognition of his mother, who resides in Italy, as his dependent. The guardian remits to the mother $100 per month, which amount investigation has shown to be adequate for her needs. The veteran spends practically nothing. The dependent mother is now 90 years old. Upon her death, payment of compensation will be suspended. The only known heirs of the veteran are a sister, in Italy, or should she predecease him, her children, also residing in Italy.

Criminal convictions: A related type of case is one where Veterans' Administration compensation payments continue to be paid for a single incompetent veteran, without dependents, while he is maintained in a State penal institution. A typical case in this office is that of ———. In 1948, he was convicted of kidnaping, robbery, grand theft, and car theft ,and sentenced to life imprisonment without possibility of parole. He has been in ——— Prison since March 1948. He was rated to be incompetent, and 100 percent disabled for a wartime service-connected condition, and a guardian of his estate was appointed in 1949. The value of the estate is now over $13,000. Current benefits are $181 per month. Prison regulations permit him to spend only $12 per month, thus his estate is increasing approximately $2,000 each year. He is now 35 years old, and if he lives a normal span of life, or to 65 years of age, his estate will have accumulated to about $75,000. His only heirs are remote.

The following are cases where the estate was inherited by other than dependents:

———. Under guardianship and continuously hospitalized from 1924; $2,186 inherited by a niece.

———. Under guardianship since 1924; intermittently hospitalized; $41,724 inherited by two sisters and a brother.

———. Under guardianship from 1938; continuously hospitalized; $3,378 inherited by 8 cousins.

———. Under guardianship and continuously hospitalized from 1927; $7,861 inherited by a niece.

———. Under guardianship from 1935; intermittently hospitalized; $10,800 inherited by brothers and sisters in Italy.

———. Under guardianship from 1947; a member of the Veterans' Home of California; award not reduced because Public 662 does not include maintenance at State homes; $4,797 inherited by niece.

I. GUARDIANSHIP OF INCOMPETENT VETERANS

1. Number of cases in which guardians only have been appointed for incompetent veterans, 1,205.

(a) Of this total, select 100 cases at random of veterans who have no wife, child, or parent and list the number of cases in which the value of the estates is within the following categories:

	Number
$1,500 to $3,000	16
$3,000 to $5,000	9
$5,000 to $7,500	6
$7,500 to $10,000	5
$10,000 to $15,000	5
$15,000 to $20,000	5
$20,000 to $25,000	4
$25,000 to $50,000	10
Above $50,000	0

II. INCOMPETENT VETERANS IN STATE INSTITUTIONS

1. Number of cases of incompetent veterans in State institutions, without wife, child, or dependent parent, in which institutional awards have been approved and in which funds are being deposited in the personal funds of patients, 5.

(a) Of this total, list the number of cases in which the amount on deposit in the personal funds of patients is within the following categories:

	Number
$1,500 to $3,000	1
$3,000 to $5,000	---
$5,000 to $7,500	---
$7,,500 to $10,000	---
$10,000 to $15,000	---
$15,000 to $20,000	---
$20,000 to $25,000	---
$25,000 to $50,000	---
Above $50,000	---

——— is a 37-year-old World War II incompetent veteran, who has a monthly award of $245.50 which is paid to a committee. He has been a patient in VA hospitals for more than 10 years and there is no indication of discharge. His estate has a value of $17,000 and is increasing at a net rate of about $2,400 annually. His only dependent is an incompetent mother who is expected to be a patient for the remainder of her life in a State institution. Both the veteran and his mother have such a limited capacity to enjoy the benefits of his money that an average yearly expenditure of only $200 is made from his estate for their comforts. The State of ——— has pressed no claim against the veteran's estate for the cost of her maintenance in the State hospital. If paid, it would amount to only $50 per month.

——— is a 35-year-old World War II incompetent veteran, who has a monthly award of $198.50, which is paid to a committee. He has been a patient in a VA hospital for more than 8 years and there is no indication of discharge. His estate has a value of $23,000 and is increasing at a net rate of about $2,000 annually. His only dependent is an incompetent mother who is expected to be a patient for the remainder of her life in a State hospital. Both the veteran and his mother have such a limited capacity to enjoy the benefits of his money that an average yearly expenditure of only $200 is made from his estate for their comforts. The State of ——— has pressed no claim against the veteran's estate for the cost of her maintenance in the State hospital. If paid, it would amount to only $50 per month.

——— is a 58-year-old World War I incompetent veteran, who has a monthly award of $195, which is paid to a committee. He has been a patient in a VA hospital for more than 18 years and there is no indication of discharge. His estate has a value of $17,000 and is increasing at a net rate of about $1,850 annually. His only dependent is a 33-year-old helpless adult child, who is expected to be a permanent patient in a State institution. The veteran needs less than $200 annually for his comforts and no funds are currently being requested by the State hospital for the comforts of the helpless child. The committee has heretofore supplied such funds as were requested. The State of ——— has made no claim on the committee for the cost of maintenance of the helpless child. If paid, it would amount to only $50 per month.

Guardianship since 1920: In one case we have observed that a World War I veteran died in a VA hospital in December 1955. His dependent mother died in July 1950. Up to this last date compensation for total disability was paid even though the veteran was being maintained in a veterans' hospital. The veteran had war-risk insurance in the principal sum of $5,000. Up to the date of his death a little more than $12,250 had been paid on this policy. At the time of his death the veteran, who had been under guardianship since 1920, left an estate of approximately $25,000, all of which was inherited by his surviving brother who had been his guardian for many years.

Two-hundred-and - fifty - thousand-dollar estate, 17 oil gushers: We have one pending World War I case in which an illiterate Negro has received compensation and insurance practically all the time since his discharge. Much of his time was spent in hospitals and he is now back in the hospital after an absence of more than 10 years. His parents are dead but he has several brothers and sisters. His former guardian acquired about 150 acres of land for a nominal price with funds paid by the VA and the land proved to be in the east Texas oilfield. He has about 17 gushers on his land. Much litigation has been had over his estate and a great deal of money has been spent in connection with litigation as well as for the ward's support while out of the hospital. Despite this his estate is conservatively believed to be worth at least a quarter of a million dollars. It will be inherited by his collateral kindred. Despite his wealth the VA pays compensation when the ward is not in the hospital and continues to pay insurance for total disability.

Six criminally insane veterans: The chief attorney has invited my attention to the cases of six veterans, who have no wife, child, or parent and who have been committed by law to a ——— State hospital for the criminally insane. These commitments were made by our courts in lieu of prison sentences because of an adjudication of insanity. In four of these cases the veterans have been granted permanent and total service-connected disability compensation with monthly payments at the rate of $181 each and as of the last accountings, all in 1955, they had estates of $16,020.48, $31,268.76, $5,820.76, and $14,911.47, respectively. In 2 of these cases the veterans have been awarded permanent and total nonservice pension with monthly payments of $78.75 each and their estates amount to $10,761.65 and $3,779.61, respectively. Because there is no charge made for their board and maintenance, as such charge could not be made under the laws of this ——, and the limited expenditures that need to be made for the few incidentals or comforts that may be furnished them, it is obvious that these are estates which will accumulate annually and which upon the death of the veteran will under the laws of ——— be required to be distributed to the existing next of kin.

1. Our records reveal this World War I veteran was rated 100 percent non compos mentis and guardian appointed in 1924, while veteran was an inmate of State hospital. He was transferred to the Veterans' Administration hospital, ———, in March 1923, where he remains. Both father and mother were recognized as dependents and 100 percent disability benefits were paid until the death of the father in 1950, the mother having died 12 years previously. Compensation payments were suspended in May 1950, because the estate exceeded the

statutory limit for a hospitalized veteran without dependents. The veteran's estate of $29,310.13 consists principally of insurance payments. By decree of the United States District Court of the Northern District of ———, the veteran's estate was awarded a settlement in the amount of $14,690.40 as accrued payments to January 30, 1943, and subsequently payments of $51.75 monthly to present date. With accrued interests on investment and the insurance payments the estate has been brought up to its present value of $29,310.13. The records indicate the veteran has a living brother and sister.

2. We have record of a World War II veteran who was declared incompetent and admitted to a State hospital on April 1, 1944, and subsequently to a Veterans' Administration hospital on May 10, 1944, where he has remained continuously. From date of appointment of guardian on April 29, 1944, the father was recognized as a dependent and continued as a dependent until death on March 24, 1948. The estate of $6,275 consists of Veterans' Administration benefits entirely, which accrued during the first 4 years of his hospitalization while the father was declared a dependent. Payments were suspended January 31, 1949, because the estate exceeded the statutory limitation of $1,500 for a veteran hospitalized in a Veterans' Administration hospital without dependent. The records indicate the veteran has 10 brothers and sisters as nearest of kin.

3. We have another case of a World War I veteran who was rated incompetent in 1928. He formerly received compensation payments of $150 plus insurance payments of $28.07. The compensation has been reduced to 33 percent and he now receives compensation of $67 and insurance payments of $28.07. The ward's estate of about $8,727 consists of about $3,000 from outside sources, including about $1,000 from timber sold recently. At present the ward's expenditures exceed his receipts. The records indicate the veteran has a sister with whom he resides.

4. Our records reveal we have another World War I veteran who had a guardian appointed for him on March 30, 1922, and he was hospitalized in a Veterans' Administration hospital on April 19, 1922. A letter from the Veterans' Administration, ———, dated November 27, 1941, shows that the ward received payments of $5,490.97 from October 10, 1919, through May 31, 1926, when apparently his payments were discontinued due to the size of his estate. He has a total estate of $9,352.38 which is commingled. Much of this amount has been received from sale of property and rental of property. The records indicate the veteran has five brothers and sisters.

5. Thirty-six thousand dollar estate: We have record of a case where the guardianship was terminated by the death of a World War I veteran. The veteran was under guardianship for many years. He was rated 100 percent disabled and received Veterans' Administration compensation except during periods while he was in Veterans' Administration hospitals and when pay to his guardian was suspended because he was hospitalized, single, and without dependents. In addition he received Government insurance in the amount of $57.50 per month. He was without a wife or dependents for many years. At the time of his death in 1953, his estate was $36,856.37, all derived from payments of compensation and insurance by the Veterans' Administration. His legal heirs were an adult son and daughter.

6. In another case of a World War I veteran, who had been under guardianship for many years, the veteran died in 1955, leaving an estate of $9,300.79, all derived from benefits payable through the Veterans' Administration. He was in receipt of 100 percent disability compensation except when payments were stopped while he was in a Veterans' Administration hospital and without dependents. His dependent mother predeceased him in 1953. His legal heirs were an aunt and uncle.

7. We have a case of another World War I veteran under guardianship for many years. Payment of 100 percent disability compensation has been suspended because of Veterans' Administration hospitalization and no dependent relatives. The veteran receives $57.50 monthly from the Veterans' Administration as insurance benefits and has an estate in excess of $24,876.29, all apparently derived from the above-mentioned benefits. His prospective legal heirs include a sister, or nieces or nephews.

8. We have an estate of a World War I veteran who has been under guardianship and has been in Veterans' Administration hospitals for many years. He is no longer in a Veterans' Administration hospital, and his guardian is in receipt of $181 compensation and $54.44 insurance payments monthly from the Veterans' Administration. His present estate is valued at $27,063.20, all derived from the above payments. His prospective legal heirs are brothers and sisters.

9. Our records reveal the estate of a World War I veteran whose 100 percent disability compensation payments have been suspended by reason of his hospitalization in Veterans' Administration hospitals, and since he has no dependents. His guardian is in receipt of $57.50 monthly insurance payable through the Veterans' Administration. His estate, all derived from Veterans' Administration benefits, is valued at $20,346.87. His prospective heirs are sisters, or nieces, or nephews.

10. Nieces and nephews benefit: In another case of a World War I veteran in receipt of 100 percent disability compensation, the pay has been suspended by reason of the veteran's hospitalization in a Veterans' Administration hospital, and since he has no dependents. His estate receives $57.50 monthly insurance payments through the Veterans' Administration and is valued at $37,490.57. However, a part of that estate includes assets from other sources, not including real estate. His prospective heirs are nieces and nephews.

11. We have a case of an incompetent veteran under guardianship where payments were suspended June 25, 1941, at which time the veteran's dependent mother died. The veteran at that time had no other dependents and was in a Veterans' Administration hospital, and his estate exceeded $1,500. On the date of the last annual accounting by the guardian his estate was valued at $13,092.90, the principal portion of which includes Veterans' Administration benefits. This veteran's prospective legal heirs are brothers and sisters.

12. Half brothers, sisters, nieces, and nephews: The largest single estate in this office is that of a World War I veteran who is single and without dependents, and is not hospitalized. His disability compensation is $181 per month and insurance payments through the Veterans' Administration are $57.50 per month. As of March 1955, his estate was valued at $58,427.50. This veteran was formerly under guardianship in ———, and the successor guardian received $40,295.26 in March 1944. We are unable to say whether all of this estate was derived solely from Veterans' Administration benefits. The prospective legal heirs are half brothers and sisters, nieces, and nephews.

13. In the case of a World War I veteran now in a hospital and without dependents payments have been discontinued because the estate exceeds $1,500. The guardian does receive $25 per month through the Veterans' Administration as insurance payments. As of December 1955, the estate was valued at $20,249.99. Payments have been suspended since July 8, 1947, when the veteran's dependent mother died. The veteran has been in a hospital for a long period of time. His prospective heirs are sisters.

14. There is a record of a case of a World War I veteran in a Veterans' Administration hospital and without dependents whose estate in December 1955, derived from Veterans' Administration pension benefits and outside sources, was valued at $13,675.55. No payments of pension are being made at this time since his estate exceeds $1,500. He has a sister as a prospective heir.

15. In the case of a World War I veteran in a Veterans' Administration hospital and without dependents, we have record of an estate valued at $23,884.80. Payments have been suspended since veteran is single and has no dependents. However, $28.75 per month for Government insurance is paid to the guardian. This estate appears to have been derived from both payments from the Veterans' Administration and other sources. The veteran appears to have been hospitalized since 1930. His prospective legal heirs are brothers and sisters.

16. Another World War I veteran under guardianship and hospitalized by the Veterans' Administration for many years has his 100-percent compensation suspended by reason of hospitalization. He receives $55.53 per month from United States Government life insurance, has an estate in excess of $26,163.26, plus farmlands of substantial value, derived from Veterans' Administration benefits and outside sources. His prospective heirs are brother and two sisters.

17. This World War I veteran under guardianship and hospitalized by the Veterans' Administration for many years has his 100-percent compensation suspended by reason of hospitalization. His estate in excess of $19,597.85 has been derived from Veterans' Administration benefits. His prospective heir is one brother.

18. Another World War I veteran under guardianship and hospitalized by the Veterans' Administration for many years has his 100-percent compensation suspended by reason of hospitalization. He has an estate in excess of $23,431.62 derived from Veterans' Administration benefits. His dependent mother died in 1946. His prospective heirs are cousins.

1. Case A: Totally disabled World War I veteran, under guardianship since 1920, in VA hospital since 1925, was awarded total disability compensation benefits and disability insurance benefits effective April 15, 1919. Compensation benefits were terminated in November 1944 following death of dependent mother, veteran's estate exceeding $1,500. Disability insurance payments of $57.50 monthly have continued without interruption. As of June 30, 1955, veteran's estate was $38,678. Since 1949 an average of approximately $11.50 a month has been spent for the personal needs and comforts of the veteran while hospitalized. The only known relatives are sisters and a brother.

2. Case B: In VA hospital since 1920. $46,000 estate: Totally disabled World War I veteran, under guardianship since 1920, in VA hospital since 1920, was awarded total disability compensation benefits and disability insurance benefits effective June 10, 1918. Compensation benefits were terminated in 1931 but disability insurance payments of $57.50 monthly have continued. As of September 8, 1955, the veteran's estate was $46,441. Since 1950 an average of approximately $7.50 a month has been spent for his personal needs and comforts while hospitalized. Only known relatives are brothers.

3. Case C: Totally disabled World War I veteran, native of Denmark who served from July 22, 1918, to September 25, 1918, under guardianship since 1919, in VA hospital since 1924, was awarded total disability compensation benefits and disability insurance benefits effective in 1918. Compensation

benefits were terminated in 1925 but disability insurance payments of $57.50 monthly have continued. As of September 1955 veteran's estate was $42,025. Since 1950 an average of $6 a month has been spent for his personal needs and comforts while hospitalized. Only known relative is a brother in Denmark.

4. Case D, $60,000 estate, $25 monthly for veteran: Totally disabled World War I veteran, under guardianship since 1919, was awarded total disability compensation benefits and disability insurance benefits in 1918. Until October 1954 when he entered VA domiliciary, veteran lived on farm of parents or brothers, never requiring more than $60 a month for living expenses. Compensation benefits were terminated in 1954 because estate exceded $1,500, but disability insurance payments of $57.50 monthly have continued. As of February 1956 the veteran's estate exceeds $60,000. Approximately $25 a month is being used for his personal needs and comforts while hospitalized. Only known relatives are some brothers.

5. Case E: Totally disabled World War I veteran, under guardianship, and hospitalized in VA hospital for many years. Was awarded total disability compensation benefits and disability insurance benefits in 1921. Compensation benefits were terminated in 1947 following death of a dependent mother, but disability insurance benefits of $57.50 monthly have continued. His estate currently amounts to $35,585. Since 1949 an average of approximately $12 a month has been used for his personal needs and comforts. Only known relatives are sisters.

Lithuanian National Benefit: ———. The subject veteran died a patient at ——— VA hospital on July 22, 1952. Upon settlement of his guardian's account a balance of $29,322.11 was turned over to the public administrator of Kings County, ———. Since Veterans' Administration records did not reveal the survival of next of kin and since no testament was located, a claim was made to the estate by the United States attorney for the ——— on behalf of the United States pursuant to section 17 et seq. of title 38, United States Code. Mr. ——— of ———, entered a claim to this estate based on a relationship of second cousin alleging that his grandfather and the veteran's grandmother were brother and sister. Because proof of this relationship depends upon public records of Lithuania and the testimony of Lithuanian nationals, ——— has not as yet been able to establish his claim to the satisfaction of the court and a final decision is awaiting the results of further attempts on his part to obtain necessary evidence. All the funds in this estate are from the Veterans' Administration.

———. The subject veteran has been hospitalized in the county mental hospital, ———, England, since August 1, 1930. His next of kin is his sister, ———, who resides in Liverpool, England. The assets as of the last accounting date, March 11, 1955, amounted to $18,814.21, all derived from the VA. The income consists of VA compensation of $145 per month. No charge is being made for the veteran's hospitalization in England. Disbursements consist of a payment of about $100 annually for the cost of the veteran's incidental needs plus about $60 per year for the expense of the sister's visits to the veteran. Miscellaneous legal and administrative expenses total about $110 a year. This estate is, therefore, being increased by approximately $1,500 per year.

———. The subject veteran was committed to ——— State hospital in April 1951 as the result of criminal charges then pending against him. He is single and his nearest relative is a sister. His guardian, a bank, receives $181 per month compensation on his behalf from the Veterans' Administration. Since he has been committed to the hospital on criminal charges the VA is not paying for his hospitalization nor is his estate paying for his care and maintenance. Because of his condition none of his funds is being used for his benefit. Consequently his estate has grown from approximately $6,000 at the time of his commitment to over $15,000 as of the date of the last accounting in May 1955.

———. Subject veteran was committed to ——— State Hospital in February 1933 on criminal charges. He has had no dependents since May 1948 when his daughter, who is his next of kin, reached the age of 18. The income consists of VA compensation of $145 per month. Since he has been committed to the hospital on criminal charges the VA is not paying for his hospitalization nor is his estate paying for his care and maintenance. Some of his funds are used for his incidental needs but his estate has increased from about $1,800 in 1948, when his daughter's dependency ended, to over $9,000 as of the date of the last accounting in October 1955.

Cousin in Germany: One is the case of a veteran who died intestate leaving assets in the amount of $26,500. The veteran died without heirs, spouse, or known next of kin entitled under the laws of Oregon to his personal property. The administrator of the estate has alleged in determination of heirship proceedings that the veteran has a first cousin who resides in Germany who is entitled to his estate. The case is now in the process of litigation as to whether reciprocal rights of inheritance existed between the Western Zone of Germany, where the alleged cousin resides, and the United States at the time of the veteran's death.

———, was hospitalized in the ——— State Hospital from June 27, 1916, until the date of his death, November 22, 1955. He was entitled to peacetime compensation and a committee was appointed for him on January 20, 1920. At the time of his death there were no close relatives and according to records at the ——— State Hospital distant relatives seldom visited him during his confinement. He left an estate of $7,057.46, which was inherited by distant relatives and which had accumulated from compensation payments.

———, drew compensation from the Veterans' Administration from August 12, 1945, through June 30, 1950, after which time he drew Army retirement pay which was reduced by 50 percent under the provisions of Public Law 662, 79th Congress, as he was hospitalized in the Veterans' Administration Hospital, ———. He died November 17, 1955, and left an estate of $17,574.75, which was inherited by brothers and sisters who are well-to-do in their own rights. ——— was hospitalized from the time of his release from the service to date of his death and therefore he was continuously cared for at Government expense.

———, was hospitalized continuously in the ——— State Hospital from about 1925 until his death in 1948. He left an estate in excess of $10,000, accumulated from funds paid by the Veterans' Administration. During the entire period of his hospitalization he was not visited by any relative. After his death, an effort was made to have his estate escheat to the United States. However, a son and daughter were able to establish their right to inherit to the satisfaction of the court after establishing a common-law marriage of their mother to the veteran.

——— is presently hospitalized in the Veterans' Administration hospital, ———, and has an estate of $22,943.70 which has been accumulated as a result of compensation and United States Government life-insurance payments. The veteran's brother is acting as his committee and stands to inherit one-half of the estate and a sister will inherit the balance. Foster-home care has been recommended by the hospital authorities but has not yet been accepted by the committee.

Eighty-five thousand-dollar estate: ——— was admitted to the ——— State hospital April 17, 1926, and he has been in receipt of compensation based on 100 percent disability rating since that date, and he is also entitled to disability-insurance payments in the amount of $57.50 per month. The veteran's brother, Dr. ———, was appointed to committee May 16, 1928, and the principal disbursement from this account is for the veteran's maintenance and support at the ——— State hospital, which is only $60 per month at the present time. This veteran does not have a wife, child, or parent, and his estate now totals $85,637.20, which will be inherited by one known brother and possibly others.

One hundred and twelve thousand dollars to wealthy sister: ——— has been a patient in the ——— State hospital since shortly after his discharge from the Army following World War I. Compensation payments at the rate of $181 per month and disability insurance payments at the rate of $57.50 per month are currently being paid. His estate is now $112,608.82. Approximately one-half of this was derived from the sale of timber on some land owned by him prior to his admission to the hospital and land obtained as a result of the foreclosure of a mortgage which was security for an investment of Veterans' Administration funds. At the present time the ——— hospital charges $60 per month for care and treatment and the spending money for this veteran is negligible. If this veteran were in a Veterans' Administration hospital, compensation would be discontinued under Public Law 662, 79th Congress. Throughout the years that this veteran has been hospitalized his family has been aware of the fact that he was eligible for hospitalization by the Veterans' Administration but has taken no action to have him transferred. So far as this office knows, his sole heir is a sister, who is, according to our information, wealthy in her own right.

——— has been hospitalized in a Veterans' Administration hospital continuously since 1932. His only known relative is a brother, who is serving as his committee. Non-service-connected pension was paid to this veteran from the date of his hospitalization to September 30, 1952. At the present time, his estate amounts to $4,728.66, and no disbursements have been made from the estate for a number of years.

———, a veteran of World War I, has been continuously hospitalized in a Veterans' Administration hospital since his discharge from the service. A committee was first appointed for the veteran on January 3, 1920. Compensation payments were discontinued because the veteran's estate was in excess of $1,500, but, his estate now amounts to $21,284.75. This estate has been accumulated from payments of United States Government life insurance. The facts in this case are being given for the reason that the large accumulation is from insurance payments only.

Sixty-five thousand dollar estate: ——— age 61, is a veteran of World War I and has been hospitalized in the VA hospital, ——— continuously since November 15, 1921, by reason of service-connected mental disease (dementia praecox, catatonic type). This has been held to disable him 100 percent and compensation was paid to his guardian, appointed by the Marion Probate Court, ——— on ——— until ——— when it was discontinued by reason of his estate being in excess of $3,000. His estate is valued at $65,153.49 (per accounting in October 1955) and was derived from payments of compensation and war-risk insurance, and earn-

ings on investments of the accrual thereof. Payments of insurance are continuing at the rate of $57.50 a month. He appears to have no wife, children, or living parent. There is indication he had a brother some years ago, but it is not known if he still exists.

——— is 68 years old and has always been single, according to our records. He is 100 percent service connected for dementia praecox and has been since 1930. He is a World War I veteran. Compensation benefits were terminated in August of 1932 because he had no dependents and his estate was in excess of $3,000. His guardian has been in receipt of war-risk-insurance benefits at the rate of $57.50 per month since July of 1922. Our records show the veteran's father was 68 years old in 1922, and the mother had been dead prior to that time. The veteran also shows 1 brother and 5 sisters. The present estate held by the guardian is $36,370.27, and the only known heirs would be the brother and sisters.

——— was held to be 100 percent service connected for dementia praecox and incompetent since his discharge from World War I in April of 1919. His age at present is 65 years. He has been a patient at the Veterans' Administration hospital at ——— since that time and has been under guardianship continuously. Compensation payments were stopped to his guardian on August 28, 1941, upon the death of his dependent father, and because his estate was over $1,500. His mother was dead at the time he was in service. He has been in continuous receipt of war-risk insurance benefits at the rate of $57.50 per month, and his guardian's accounting as of February 28, 1955, showed an estate of $33,129.05 Our records do not show any known relatives.

Six brothers and sisters benefit: ——— is presently 62 years of age and single. He is a patient at the Veterans' Administration hospital at ———, and has been continuously since 1927. He is 100 percent service connected for dementia praecox and has been so rated since his discharge from the Navy after World War I (on March 4, 1919). This veteran's benefits have been stopped since approximately 1931, due to his estate being over $3,000 and no dependents. The father died in the early 1920's and the mother was never shown to be dependent and would be presently, if known to be living, 83 years of age. There is no record of her death. The veteran's estate at present, according to the guardian's last accounting, is $51,980.40 and the guardian still receives war-risk insurance benefits at the rate of $57.50 per month. There were six brothers and sisters, who apparently would be the only heirs, and there are no apparent dependents.

——— is 60 years old and was a World War I veteran. He has been 100 percent service connected for dementia praecox since his discharge from service in April of 1919 and has been a patient at the Veterans' Administration hospital at ——— since June of 1921. He is a single veteran. This veteran's mother was 60 years old in 1919. The veteran's compensation benefits were stopped in January of 1931 because there were no dependents shown and his estate was over $3,000. We have no further information as to whether the mother is living, but presume she is deceased as she would now be 97 years old and no claim has ever been filed on her behalf. The present estate of this veteran, according to the guardian's last accounting, is $38,271.31, and he is still in receipt of war-risk insurance benefits at the rate of $28.75 per month.

Polish beneficiaries: ——— is a World War I veteran, who has been rated 100 percent service connected since his discharge from World War I on November 17, 1919. He has been in the VA hospital ——— since 1925. Payments were stopped on his behalf to the guardian in 1939, due to the fact that his dependent mother, ——— of Woj, Wolynakie, Poland, was in Poland at the outbreak of the war. The guardian has never heard from her since that time, and any relatives the veteran might have would apparently be in Poland. This veteran's estate, according to the last accounting of February 18, 1955, amounted to $56,094. The guardian is still in receipt of war-risk insurance benefits at the rate of $57.50 per month. The veteran was listed as single and to our knowledge, has no wife, children, or dependent parent.

——— age 65, is an incompetent veteran, under guardianship since 1923 in ———. He has been hospitalized continuously in the VA hospital, ———, since shortly after World War I, by reason of mental disease, and the guardian, his sister, received payments of compensation until discontinued by reason of his estate being over $1,500 on October 18, 1939. She continues to receive payments of war-risk insurance at the rate of $57.50 a month in addition to the returns on investments, and her last accounting, filed January 4, 1956, shows an estate of $27,154.31. There appears to be no living parent, wife, or child.

Case No. 1 (World War I): Veteran hospitalized since December 11, 1924. Guardian appointed December 24, 1921. VA entitlement $57.50, Government life insurance payments and service-connected compensation. Compensation payments suspended February 28, 1931, at which time $20 per month was being paid. Insurance payments continuing. Value of estate as of October 3, 1955, $55,845.23, of which $21,465 represents VA benefits, and balance is from private sources. Dependents: None. Potential heirs: Unknown. Estate has accumulated to present extent by reason of the fact that the veteran's needs require very little funds.

Case No. 2 (World War I), beneficiaries in Argentina: Veteran hospitalized in VA hospital, ———. Guardian appointed August 23, 1923. VA entitlement 100 percent service-connected disability and $57.50 monthly United States Government life insurance payments, the latter continuing. Veteran single with no dependents. Compensation payments stopped February 20, 1931, as estate exceeded statutory limit. The estate is now approximately $35,000, with an approximate increase of $1,000 per year. Fifty percent of estate received from private sources. Potential heirs: Brother and sister in Argentina.

Case No. 3 (World War I): Veteran hospitalized VA hospital, ———. Guardian appointed December 12, 1921. VA entitlement $193.50 disability compensation and $57.50 monthly United States Government life insurance, both continuing. Veteran's wife in Poland, receiving $85 monthly allowance, which appears adequate in amount. Estate's present value approximately $56,000, with annual increase of approximately $2,000. Entire estate accumulated through VA benefits. Dependents: Wife. Potential heirs: Wife and adult children in Poland.

Case No. 4 (World War I): Veteran hospitalized VA hospital since July 9, 1925. Guardian appointed April 6, 1922. VA entitlement service-connected disability payments and $57.50 monthly United States Government life insurance payments, the latter continuing. Disability compensation payments suspended February 28, 1931, estate being in excess of statutory limit. $20 disability compensation per month was being paid when payments were suspended. Present value of estate, $53,943.47, $26,200 thereof VA benefits, and the balance from other sources. Estate has accumulated, as needs of veteran require a small amount of funds. Potential heirs: Uncle and possibly others unknown.

Case No. 5 (World War I): Veteran hospitalized VA hospital since March 1, 1927. Guardian appointed October 30, 1922. VA entitlement $52.51 per month United States Government life insurance payments continuing and disability compensation payments which were in the amount of $138 per month at time of suspension on November 9, 1948, when death of dependent mother occurred. Present value of estate, $23,214.98, all VA benefits. Present income approximately $1,000, which causes an increase in the estate annually of from $800 to $900, the difference between income and increase in estate annually being represented by administration charges and the small amount required to provide for the veteran's needs. Potential heirs: Veteran's sister in California and possibly others unknown.

Case No. 6 (World War I) benefits for Greek citizens: Veteran hospitalized since June 4, 1925. Guardian appointed November 9, 1921. VA entitlement service-connected disability 100 percent. Present value of estate, $24,305.74, all VA funds. Monthly payments, $198.50 continuing by reason of dependent mother residing in Greece. Mother is past 90 years of age. Potential heirs: Mother and possibly other relatives unknown at present. Estate is accumulating by reason of the small requirements of veteran, which have been met over the past 10 years by an expenditure of less than $100 per year, average. Mother receives $100 per month per court order, which has been determined to be adequate for her needs.

Case No. 7 (World War I): Veteran hospitalized from 1920. Guardian appointed 1919. VA entitlement $57.50 per month United States Government life insurance payments continuing and service-connected disability compensation, the latter having been suspended on February 1, 1950, when veteran was transferred to VA hospital. Previous thereto, he was maintained in a State hospital at expense of his estate. Present value of estate, $34,000, of which approximately 50 percent represents VA benefits and balance from private sources. Dependents: None. Potential heirs: Two sisters in Detroit, Mich. Reason for estate's accumulation, veteran was hospitalized in State hospital for about 30 years, and compensation as well as insurance was paid during that time. He also had a dependent mother living in Poland, and a small monthly allowance was made for her until her death in 1939. Veteran has not required much for his needs, since he has been in VA hospital. Investments have also provided a good return to the estate.

Case No. 8: Veteran hospitalized in VA hospital since October 5, 1936. Formerly hospitalized in State hospital. Guardian appointed May 23, 1921. VA entitlement service-connected disability and $57.50 monthly United States Government life insurance payments, the latter continuing. Compensation payments were discontinued effective March 31, 1939, a dependent mother having died April 16, 1939. Accounting for period through December 15, 1939, showed estate of $15,100, all VA funds. Estate's present value, $25,884.70, derived from VA benefits consisting of compensation, adjusted service benefits, continuing Government life insurance payments, and earnings on investments. The needs of the veteran being considerably less than income is the reason for the present accumulation, which will be a continuing situation while the veteran is cared for as at present. Potential heirs: Sister and nieces and nephews.

Case No. 9 (World War I): Veteran hospitalized in VA hospital. Guardian appointed September 26, 1921. VA entitlement 100-percent-service-connected disability and $57.50 monthly Government life-insurance payments, the latter continuing. Disability-compensation payments suspended, as estate was in excess of statutory limit. Estate now

approximately $24,000, derived from VA funds, with annual increase of approximately $500 per year. The only expenditures are cost of administration of the guardianship and the small amount required to provide for the veteran's needs. Dependents: None. Potential heirs: Unknown.

Case No. 10, three nephews in Italy: The veteran now deceased and file has been obsoleted. The following is submitted based on recollection: Veteran hospitalized for many years immediately following World War I. Guardian appointed at about time of hospitalization. VA entitlement 100 percent service-connected disability and $57.50 monthly United States Government life-insurance payments. Full amount of disability compensation entitlement was paid at all times from veteran's initial hospitalization until his death during the past year by reason of the fact that his parents, living in Italy, were considered dependents, and, at time of death of the last surviving dependent parent, which preceded the veteran's death by a short time, the veteran was not receiving hospitalization. At veteran's death, his estate amounted to approximately $30,000 and consisted of almost, if not all, VA benefits. Heirs: 3 nephews in Italy and 1 living in Michigan.

Case No. 11 (World War I): Veteran hospitalized from 1922. Guardian appointed June 20, 1922. VA entitlement service-connected-disability compensation and $28.11 monthly payments United States Government life insurance. Compensation payments suspended June 21, 1943, on death of dependent mother. Value of estate as of October 3, 1955, $29,433, which includes $17,255 from private sources. Present needs of veteran requires less than $200 per year. Estate will continue to increase in value each year, as income from insurance payments and investments will exceed considerably the expenditures. Potential heirs: A brother.

——— was a service-connected veteran of World War I, hospitalized at the Veterans' Administration hospital, ———, since March 1, 1933, and prior to that at the ——— State hospital, ———.

The veteran had a dependent mother, ———, who died March 27, 1944. Payments were discontinued under Veterans Regulation No. 6 (C) then in effect. At that time there was an estate of approximately $23,000. Disability-insurance benefits (U. S. Government life insurance) of $57.50 per month continued payable, together with the income from investments. Due to the relatively small requirements of the veteran, who continued as a patient at the Veterans' Administration hospital, ———, the estate continued to increase until the veteran's death September 5, 1954.

The veteran had had several brothers and sisters, and on his death the committee paid over an estate of $33,766.32 to two sisters as coadministratrixes of the veteran's estate.

——— was a service-connected veteran of World War I, hospitalized at the Veterans' Administration hospital, ——— since March 1, 1933 and prior to that at the ——— State hospital, ———. His sister, ———, was appointed successor committee after the resignation of his mother, September 14, 1934, due to advancing years. This veteran had no recognized dependents at any time.

Compensation was terminated after the veteran's transfer to the Veterans' Administration hospital, ———, in 1933, the estate at that time being approximately $11,000. Disability-insurance benefits (U. S. Government life insurance) of $57.50 per month continued payable together with the income from investments. Due to the relatively small requirements of the veteran, who continued as a patient at the Veterans' Administration hospital, ———, the estate continued to increase until his death, February 5, 1954.

The veteran had but one sister surviving (his committee) and on his death she paid over an estate of $33,756.92 to herself as administratrix.

——— was a service-connected veteran of World War I successively hospitalized at the ——— State hospital, the Veterans' Administration hospital, ———, and the Veterans' Administration hospital, ———. He outlived his committee appointed March 19, 1926, and on May 14, 1934, the ——— was appointed successor committee.

Dependent mother in Russia: The veteran had a dependent mother living in Russia, who was also under guardianship. She died January 1, 1936. Payments were suspended under Veterans Regulation No. 6 (C) then in effect. At that time there was an estate of approximately $9,300. Disability-insurance benefits (U. S. Government life insurance) at $26.99 per month, continued payable together with the income from investments. Due to the relatively small requirements of the veteran, who remained a patient at the Veterans' Administration hospital, ———, the estate continued to increase until the veteran's death August 5, 1950. The veteran had a sister living in Rhode Island, and on his death the committee paid over an estate of $15,540.82 as ancillary administratrix of the veteran's estate.

——— is a service-connected veteran of World War I who has been hospitalized by the Veterans' Administration since his discharge from service. He is now a patient at the Veterans' Administration hospital, ———. The ——— is now acting as committee, having succeeded the original committee appointed on February 7, 1920.

The veteran's estate amounts to $31,008.94, and consists entirely of Veterans' Administration funds.

Because of the dependency of his mother, compensation payments of $190 monthly were made until her death on June 27, 1954. United States Government life insurance payments of $28.60 monthly continue. In the past 5 years an average of $22 annually has been expended for the direct benefit of the veteran. The large size of this estate is due in part to the compensation payments made during the lifetime of the veteran's mother by reason of her dependency. Insurance payments and investment income will cause it to continue to increase.

The veteran's brothers and sisters, or their descendants, will eventually inherit a sizable estate.

The committeee holds an estate of $20,837.97, derived from compensation benefits of $181 monthly and insurance payments of $5.75 monthly. Expenditures for the direct benefit of the veteran are limited to $60 annually. Since the veteran is not maintained by the Veterans' Administration his monthly compensation cannot be reduced under Public Law 662. Since he is confined on a criminal order his estate is not liable to the State of ——— for maintenance, nor is there any prison reimbursement law in this State.

One hundred thousand dollar estate: As this veteran is only 36 years of age, it is possible that his estate may eventually exceed $100,000, to be inherited by brothers and sisters, or their descendants. This situation is not unique and pertains to competent as well as to incompetent veterans.

——— is a service-connected veteran of World War II who has been hospitalized at the Veterans' Administration hospital, ———, since August 6, 1948. The ——— was appointed committee on March 19, 1951.

The committee holds an estate of $8,362.92, consisting entirely of Veterans' Administration compensation payments. Compensation of $216 monthly is currently being paid because of the dependency of the veteran's parents, which was established in 1951. As only $35 monthly is forwarded to the dependent parents in Greece and only $100 annually expended for the direct benefit of the veteran, income exceeds expenditures by more than $2,100 annually. As a result, a large estate will be accumulated before the deaths of the dependent parents. This estate may eventually be inherited by the veteran's brother or other collateral relatives.

——— is a service-connected peacetime veteran who has been continuously hospitalized at the Veterans' Administration hospital, ———, since 1936. The ———, was appointed committee on April 20, 1936.

The committee holds an estate of $22,667.46, consisting entirely of Veterans' Administration compensation payments. Compensation of $124.40 monthly was paid only because of the dependency of the veteran's father until his death on November 14, 1949. An average of $150 annually is disbursed for the direct benefit of the veteran, an amount less than the income from investments.

Upon his death, the veteran's estate will pass to his numerous brothers and sisters or their descendants; brothers and sisters whose failure to support their father resulted in the accumulation of a large estate, consisting exclusively of Veterans' Administration benefits.

——— is a service-connected veteran of World War I who has been hospitalized by the Government since his discharge from service. He is now a patient at the Veterans' Administration Hospital, ———. ——— is now acting as committee, having succeeded the original committee appointed on April 14, 1919.

Income from investments $1,100 annually. The veteran's estate amounts to $45,761.60. It is divided entirely from compensation benefits and United States Government life-insurance payments. Because of the dependency of his mother, compensation benefits of $198.50 monthly were payable until her death on April 15, 1955. The insurance payments of $57.50 monthly continue. Approximately $100 annually is expended for the direct benefit of the veteran, although income from investments alone is in excess of $1,100 annually. A brother or collaterals may eventually inherit this estate.

——— is a service-connected veteran of World War I who has been hospitalized by the Veterans' Administration since his discharge from service. A committee was first appointed in 1918 and a sister, ———, is now acting as such.

The veteran's estate amounts to $27,064.63, and is derived entirely from compensation benefits and United States Government life-insurance payments. Because of the dependency of his mother, compensation benefits of $167.50 monthly were payable until her death on December 6, 1949. The insurance payments of $40.25 monthly continue. An average of less than $100 annually has been expended for the direct benefit of the veteran.

Surviving brothers and sisters or their descendants will eventually inherit a sizable estate derived entirely from Veterans' Administration payments.

——— a World War II veteran, born October 21, 1909, was admitted to Veterans' Administration hospital, ——— on October 4, 1943, for treatment of a service-connected disability. On May 22, 1947, a guardian was appointed for his estate, and through subsequent court proceedings, there is now a substitute guardian, ———. Disability-compensation benefits totaling approximately $10,000 were paid to December 3, 1952, when they were suspended due to death of his wife and the fact that his estate was in excess of $1,500. While the wife lived, she received from the estate about $4,200, while about $310 have been used for the veteran's incidentals at the hospital. The guardian's latest account shows a balance of $9,248.60,

of which a minor portion was derived from sources other than VA benefits. The veteran has no children or parents, and it is probable he will be survived by collateral heirs.

——— served in the United States Navy from March 17, 1919, to October 17, 1919. He suffered a service-connected mental disability and the ———, now the Merchants National Bank of Allentown, was appointed guardian on October 18, 1920. He was admitted to the VA hospital, ———, on May 9, 1931, where he died on March 30, 1952. A total of approximately $18,000 in compensation had been paid to the guardian until the benefits were discontinued when his dependent mother died on August 7, 1943. At that time the total estate approximated $17,000 and at his death it was about $22,000. The veteran's brothers and sisters as next of kin have received the estate.

———, a veteran of the Philippine Islands campaign at the beginning of the century, has been in and out of hospitals as a VA patient since a guardian was appointed for him on March 27, 1917. At the time of his death on November 22, 1955, there was $15,496.97 in his estate which was derived entirely from VA disability compensation paid during such time when there were no restrictions by reason of hospitalization or while he was not hospitalized. He has no heirs but there is now litigation in the hands of the United States attorney in ——— concerning a will he purportedly executed in 1940 while he was said by the proponents of the will to have had testamentary capacity. The beneficiary thereunder is a church ———.

Brothers in Sweden: ———, a World War I veteran, was under guardianship of ———, a ——— lawyer, from June 25, 1923, and was a VA patient from the approximate date of discharge from military service until the veteran died on March 11, 1955. Although disability-compensation benefits were suspended pursuant to then existing legislation on June 30, 1933, $8,423.75 in benefits had been paid to the guardian prior thereto. In addition the guardian received disability-insurance benefits of approximately $15,000 on the veteran's war-risk insurance policy. This sum, together with compensation benefits and earnings on both, brought the total estate to $38,270.60 at the time of death. These funds are being distributed to brothers and sisters in Sweden and Finland.

——— served in the United States Army from April 29, 1918, until November 23, 1919, when he was discharged and became a VA mental patient. On February 2, 1922, he was placed under guardianship which continued until his death on August 12, 1950. VA disability compensation was paid to the guardian until October 31, 1940, when it was established that checks payable to his wife by reason of apportionment of the benefits in her behalf could not be delivered to her in the U. S. S. R. and evidence as to her continued existence or that of their alleged child could not be secured. There is no other evidence that the veteran is survived by heirs capable of inheriting under the laws of ———. The total disability compensation paid amounted to approximately $15,000, whereas the balance of the estate at his death was $52,733.91. These funds are now in the hands of his administrator. This matter was referred to the Department of Justice for appropriate action leading to transfer of the balance to the general post fund under 38 United States Code Annotated, section 17–17a. The Commonwealth of ——— has also filed a claim for escheat under empowering legislation. In view of a recent decision of the Pennsylvania Supreme Court it is believed, however, that the United States will, in due course, receive the funds at such time as the court rules that there is insufficient evidence to warrant the conclusion that heirs actually did survive the veterans.

———, a veteran of World War I, has been a VA patient since September 25, 1922. On February 16, 1923, a guardian was appointed for him and on December 15, 1953, he died at the VA hospital, ———. A total of approximately $7,800 had been paid in disability compensation in the veteran's behalf from July 11, 1919, to July 31, 1930. The veteran was single and without dependents and it is established that his nearest relative at the time of death was a second cousin. The balance as shown in the final accounting of the guardian was $26,852.52. This matter has been referred to the Department of Justice in order to protect the interest of the United States and to effect the transfer of the balance to the general post fund, if it is found that he died without leaving heirs capable of inheriting. The question at issue was one of domicile. Since the claimant is a second cousin she would in all likelihood receive the funds if it could be established that the veteran is domiciled in the State of Maryland. The ——— Intestate Act bars claimants as heirs who have a relationship more remote than as first cousin. It is believed that the courts will rule that the veteran is legally domiciled in ——— and that the balance will be paid into the general post fund.

——— served in the United States Army from April 28, 1918, to May 31, 1919. He was declared insane by a ——— lunacy commission and on June 9, 1922, was committed to the ——— State hospital where he died on December 24, 1949. At the time of commitment a guardian was appointed for his estate and he was under guardianship at the time of his death. He was never a VA patient and disability compensation benefits were paid to his estate until he died. The total thereof amounted to $8,991.51. In addition he received adjusted compensation as a World War I veteran of $963. He was survived by a sister to whom the estate was eventually distributed.

Estate reverts to United States: ——— was in the United States military service from September 5, 1919, to September 4, 1922, and from October 7, 1922, to August 3, 1923. Although he was adjudicated an incompetent and a guardian was appointed on October 26, 1926, it does not appear that he was a hospital patient. His disability was considered service-connected and compensation benefits totaling $23,213.40 were paid to the guardian in his behalf until he died on March 6, 1949. The records indicate that he may have been survived by heirs capable of inheriting but thus far no proof of their existence has been submitted. The court awarded the distributive balance of $5,562.78, less miscellaneous costs, to the State treasury of the Commonwealth of ———, pursuant to the ———. It has been held not to be a determination of ownership but merely a deposit for safekeeping, pending establishment of the rights of other parties, if any. This matter is in the hands of the United States attorney who, it is presumed, will take such action at the proper time for effecting the transfer of the estate to the United States if it is determined that there are no heirs on the basis that the funds were derived through the Veterans' Administration.

———, a veteran of World War I, was adjudicated an incompetent on August 4, 1930, and a guardian was appointed for him on August 18, 1930. Disability-compensation benefits, totaling $2,014.01, were paid to the guardian effective from April 25, 1930, and were finally stopped on July 31, 1937, when the estate became in excess of $1,500 and the records showed that he was single, without dependents, and a VA hospital patient. The veteran died on September 19, 1950, while a patient at VA hospital, ———. An administratrix was appointed who received a balance of $7,726.03, of which all but $400 was derived from VA benefits, including disability insurance benefits on the veteran's United States Government life-insurance policy. Investigations were conducted from time to time to locate his next of kind but thus far they have proved fruitless. The Commonwealth of ——— submitted its claim for escheat which probably will be denied, in accordance with a recent decision of the ——— supreme court. The matter is in the hands of the United States attorney and is still in litigation.

Four brothers and sisters: ——— entered service on October 30, 1942, and was discharged on August 28, 1944. He was admitted to Veterans' Administration hospital, ——— ——— on August 29, 1944, where he remained until his death on September 18, 1955. By rating of September 11, 1944, he was held to be entitled to 100-percent disability compensation plus additional amount for the loss of use of both hands and both feet.

He received $265 per month from August 29, 1944, to June 13, 1945, the date of death of his dependent mother. His award was reduced to $20 per month from June 14, 1945, to August 7, 1946, since he was hospitalized and had no dependents. On November 18, 1946, his award was amended under the provisions of Public Law 662, 79th Congress, to pay full amount of award of $300 from August 8, 1946, to August 31, 1946, and $360 from September 1, 1946. The award was reduced to 50 percent on March 1, 1947, under the provisions of Public Law 662, 79th Congress, that being the first date of the seventh calendar month after the enactment of Public Law 662, 79th Congress. From March 1, 1947, to date of death, the veteran's award was as follows:

Commencing date	Total award	Veteran's share	Withheld under Public Law 662, 79th Cong.	Ending date
Mar. 1, 1947	$360	$180	$180	July 31, 1952
Aug. 1, 1952	400	200	200	Sept. 30, 1954
Oct. 1, 1954	420	210	210	Sept. 18, 1955

The total amount withheld and payable as lump sum accrued upon veteran's death was $19,336.

Since the veteran was not survived by a widow, child, or children or mother or father, the lump sum accrued was paid to four brothers and sisters. Each was paid one-fourth share or $4,834.

A review of the case file disclosed a photostatic copy of a last will and testament executed by the veteran on October 24, 1945, in which he stated in part as follows: That he devise and bequeath all of his estate, including any pension allowance which may be due or accrued to his benefit at the time of his death to his ——— sister, ———, and further stated he was making no provision for his other brothers and sisters for reasons best known to himself.

Summary of fiduciary accounts (fiscal year 1956)

Location	Total amount of receipts	Guardians' commissions allowed	Attorneys' fees allowed	Amount of estates						Amount embezzled or misappropriated	Amount lost on deposits	Amount lost on investments
				Total amount of estates	Invested in accordance with State law or VA regulations			Invested not in accordance with State law or VA regulations		Cash balances (funds on deposit in banking institution or otherwise not included in invested amounts)			
					General investments	U. S. Government bonds	Deposits in banks and other institutions in lieu of investments	Nonlegal or questionable	Illegal			
Total	$199,355,702.80	$4,484,112.25	$1,595,306.14	$543,599,044.38	$41,456,116.80	$337,891,312.75	$119,962,077.27	$32,294.34	$20,732.26	$44,236,510.96	$265,024.46	$2,653.42	$22,851.08
Veterans benefits office	2,784,309.60	45,993.44	13,750.60	8,054,126.90	993,751.63	4,421,216.70	1,971,577.91	0	0	667,580.66	0	0	0
Philippines, Manila	7,297,444.55	304,383.43	25.01	19,997,298.43	473,007.00	5,062.50	19,518,477.49	0	0	751.44	70,899.64	0	0
Regional offices, United States	189,273,948.65	4,133,735.38	1,581,530.53	515,547,619.05	39,989,358.17	333,465,033.55	98,472,021.87	32,294.34	20,732.26	43,568,178.86	194,124.82	2,653.42	22,851.08
Alabama: Montgomery	3,883,450.68	81,900.58	24,810.93	9,858,829.27	538,460.91	7,354,155.37	699,435.40	0	0	1,266,777.59	1,583.58	0	0
Arizona: Phoenix	1,244,834.96	17,646.84	8,082.09	3,136,168.45	140,180.57	2,204,488.27	781,284.58	0	0	10,215.03	3,336.63	0	21.90
Arkansas: Little Rock	2,499,730.92	74,140.45	22,045.94	5,994,374.01	455,871.23	4,538,653.67	100,993.40	0	496.89	898,358.82	0	0	0
California: Los Angeles	8,045,989.53	91,403.17	133,813.12	17,136,870.28	1,305,141.85	10,210,657.65	4,752,282.38	2,000.00	799.31	865,989.09	19,085.45	0	252.80
San Francisco	5,998,539.11	106,770.26	117,109.10	14,069,945.16	678,340.70	9,796,512.94	2,804,806.29	780.74	309.07	789,195.42	5,737.79	0	0
Colorado: Denver	2,146,631.95	61,655.31	9,040.59	6,933,824.62	124,993.13	5,762,082.98	561,221.05	0	0	485,527.46	1,075.99	0	0
Connecticut: Hartford	3,012,846.96	73,330.68	7,034.77	9,340,266.51	1,338,852.93	3,571,003.85	4,283,943.66	0	0	146,466.07	0	0	0
Delaware: Wilmington	251,050.24	7,186.28	322.16	1,088,636.33	483,242.29	324,045.33	275,237.70	0	0	6,111.01	0	0	0
Florida: Pass-A-Grille	4,194,848.91	76,733.30	26,758.14	9,350,005.45	1,024,296.10	6,162,147.90	1,383,997.78	0	0	779,066.39	7,804.69	0	0
Georgia: Atlanta	4,201,399.91	81,832.33	8,271.00	10,188,327.76	776,726.43	6,569,448.96	1,791,860.76	0	0	1,050,291.61	9,316.39	0	0
Hawaii: Honolulu	455,088.95	7,824.99	2,808.00	1,066,925.10	227,367.67	390,484.30	441,390.30	0	0	7,682.83	0	0	0
Idaho: Boise	843,133.29	19,033.23	1,663.61	2,907,231.03	128,098.15	2,380,523.90	252,911.23	0	0	145,697.75	487.15	0	0
Illinois: Chicago	10,221,170.14	297,117.30	119,267.45	30,062,006.60	523,998.58	25,988,301.00	242,954.10	0	149.18	3,306,603.74	0	0	0
Indiana: Indianapolis	5,236,441.04	144,303.43	82,397.00	18,432,614.41	207,619.00	13,759,385.11	1,846,705.45	5,906.36	0	2,612,998.49	6,232.93	0	221.91
Iowa: Des Moines	2,888,491.50	67,800.21	78,235.85	11,581,753.97	297,168.26	9,532,158.95	560,022.12	0	0	1,192,404.64	2,235.76	0	0
Kansas: Wichita	1,894,398.98	32,654.68	11,597.91	5,457,187.91	318,106.90	4,163,232.53	965,401.79	0	0	10,446.69	2,402.51	0	0
Kentucky: Louisville	4,125,569.28	104,469.76	7,770.84	10,063,381.21	1,024,957.01	7,513,261.82	240,789.82	0	0	1,284,732.56	6,639.80	0	0
Louisiana: New Orleans	2,037,524.86	50,330.37	7,464.38	4,927,431.48	216,272.43	4,059,325.04	644,276.19	0	2,196.78	5,361.04	503.30	0	0
Shreveport	1,367,882.99	34,593.87	1,165.90	2,101,298.74	98,677.37	1,531,894.44	185,971.04	75.90	0	284,679.99	531.89	0	0
Maine: Togus	1,126,119.20	22,021.65	4,528.35	2,873,158.28	300,681.54	1,833,855.15	603,659.20	0	0	134,962.39	2,653.48	0	0
Maryland: Baltimore	2,180,434.61	61,887.86	4,500.30	5,538,474.62	1,761,243.47	2,821,389.71	595,299.39	0	0	360,542.05	0	0	0
Massachusetts: Boston	8,121,204.03	167,828.86	91,842.83	16,309,331.14	1,771,928.52	3,928,097.78	10,581,540.10	0	0	27,764.74	11,712.20	2,000.00	169.58
Michigan: Detroit	6,724,151.84	170,441.06	12,593.11	18,918,476.27	804,132.33	15,313,035.51	22,592.05	0	0	2,778,716.38	502.00	0	0
Minnesota: St. Paul	3,374,987.21	103,314.82	26,018.67	10,153,562.51	152,424.22	8,995,828.67	34,569.60	0	0	970,740.02	307.36	0	0
Mississippi: Jackson	2,683,506.79	61,333.30	64,053.71	6,227,513.10	473,790.17	4,289,797.12	181,071.89	0	0	1,282,853.92	1,985.08	0	0
Missouri: Kansas City	2,110,982.13	38,887.96	17,892.88	7,957,569.90	100,971.57	6,841,103.38	248,520.23	0	90.00	766,884.72	1,755.38	0	80.13
St. Louis	2,801,726.89	56,248.24	24,328.73	7,448,797.47	324,343.57	5,686,620.62	220,501.60	0	0	1,217,331.68	4,183.84	0	0
Montana: Fort Harrison	649,616.66	15,323.20	14,849.78	2,259,215.75	39,848.51	1,699,969.49	0	0	3,500.00	515,897.75	0	0	0
Nebraska: Lincoln	1,434,828.31	39,304.12	10,740.00	4,461,380.81	190,919.24	3,597,811.58	15,955.90	0	428.28	656,265.81	450.48	0	0
Nevada: Reno	202,701.69	4,170.09	6,300.42	563,409.25	63,565.35	349,361.17	149,587.95	0	0	894.78	0	0	0
New Hampshire: Manchester	805,209.50	10,743.76	4,658.81	2,084,876.85	188,311.54	748,965.12	1,137,454.90	0	0	10,145.29	2,945.55	0	0
New Jersey: Newark	3,839,126.51	72,593.26	9,169.84	6,685,703.15	196,585.50	4,744,925.02	1,461,229.27	0	0	282,963.36	0	0	80.96
New Mexico: Albuquerque	1,323,567.53	2,161.29	3,056.76	3,651,768.93	76,920.92	2,767,159.56	99,777.25	0	0	707,911.20	5,242.31	0	0
New York: Albany	1,580,604.49	16,519.97	9,061.50	5,476,437.17	251,347.57	2,713,219.69	2,507,843.20	0	0	4,026.71	7,188.73	0	0
Brooklyn	5,865,843.87	83,773.41	42,521.87	19,484,476.22	985,738.13	3,850,206.81	14,438,832.77	0	0	239,698.51	0	0	137.83
Buffalo	2,633,046.33	63,391.78	18,123.94	9,650,642.25	1,837,519.35	5,143,336.93	2,232,635.98	87.90	3,103.95	433,958.14	2,482.50	0	1,390.15
New York	5,832,245.76	75,224.09	52,206.81	18,726,878.07	669,690.58	7,899,731.14	10,107,984.93	0	0	49,471.42	0	0	6,818.93
Syracuse	1,698,547.93	40,967.14	4,124.85	6,630,652.57	678,898.95	3,617,369.24	1,891,643.97	0	0	442,740.41	4,600.26	8.99	539.91
North Carolina: Winston-Salem	4,368,827.26	142,457.52	7,518.87	12,316,802.86	297,573.70	10,528,012.26	0	0	0	1,491,216.90	0	0	0
North Dakota: Fargo	760,056.46	21,488.58	7,508.26	2,689,084.45	28,206.08	2,404,532.81	94,911.15	0	0	161,434.41	695.15	0	0
Ohio: Cincinnati	4,733,031.93	114,306.58	56,138.61	13,195,220.88	366,865.17	8,547,303.69	3,099,109.62	81.35	2,003.55	1,179,857.50	3,687.09	0	0
Cleveland	5,104,473.96	111,227.52	48,559.61	14,659,219.81	314,740.24	10,121,462.31	3,373,651.18	0	3,076.16	846,289.92	2,352.37	0	0
Oklahoma: Muskogee	3,886,252.92	86,204.40	37,315.61	12,311,232.82	1,286,366.28	7,765,566.84	1,435,829.50	500.00	1,100.00	1,821,870.20	14,934.38	0	685.00
Oregon: Portland	2,096,831.82	47,449.82	44,397.57	7,149,682.71	905,123.25	4,431,729.80	1,197,118.60	0	0	815,711.06	4,515.59	0	0
Pennsylvania: Philadelphia	5,397,321.58	119,135.52	28,266.98	8,678,019.73	3,145,551.31	3,952,279.38	494,036.66	0	0	1,086,152.38	0	644.43	7,186.63
Pittsburgh	4,393,570.19	145,095.57	23,919.23	8,510,109.10	1,111,232.58	5,997,994.48	735,330.88	0	0	665,551.16	3,964.21	0	2,034.54
Wilkes-Barre	2,970,918.30	72,627.42	24,398.17	5,519,479.30	1,356,190.18	2,861,558.01	1,295,083.56	0	83.99	6,563.56	3,458.73	0	2,797.08
Puerto Rico: San Juan	1,642,457.48	24,477.96	2,025.85	2,971,620.30	265,447.89	1,368,471.00	1,337,150.02	0	0	551.39	0	0	0
Rhode Island: Providence	1,465,673.04	27,696.51	6,632.41	3,399,030.29	1,159,742.74	2,041,917.01	190,499.60	0	0	6,870.94	0	0	0
South Carolina: Columbia	2,494,497.83	59,134.27	4,675.04	6,326,580.02	1,887,711.69	3,174,222.24	358,732.05	0	680.00	905,234.04	5,621.49	0	0
South Dakota: Sioux Falls	622,038.48	18,666.24	5,676.72	2,509,968.60	40,872.12	2,240,673.16	16,094.02	0	0	212,329.30	2,725.81	0	0
Tennessee: Nashville	3,721,323.56	94,326.82	14,011.31	11,208,114.08	611,431.89	7,026,601.29	2,298,753.41	0	320.00	1,271,007.49	0	0	16.80
Texas: Dallas	3,576,390.53	48,630.86	34,525.18	10,290,892.67	2,033,405.52	6,351,647.38	695,322.64	0	0	1,210,517.13	4,542.46	0	0
Houston	2,137,418.61	15,795.86	21,890.34	6,559,127.23	669,912.92	3,927,571.42	888,480.72	0	0	1,073,162.17	5,677.65	0	0
Lubbock	1,529,253.32	18,542.28	17,093.93	4,615,282.12	410,888.10	3,026,481.32	661,934.16	0	1,297.82	514,680.72	911.93	0	0
San Antonio	1,859,804.72	24,640.55	15,550.37	5,334,875.56	423,408.49	3,245,327.18	1,061,085.90	21,615.42	0	583,438.57	114.98	0	8.00
Waco	1,813,537.45	29,561.19	11,871.26	4,922,159.71	438,700.19	3,144,264.25	567,164.65	0	0	771,940.62	1,928.59	0	0
Utah: Salt Lake City	872,627.67	15,386.94	5,682.65	2,334,254.34	235,312.86	1,542,530.70	419,040.23	0	0	138,370.55	1,800.57	0	0
Vermont: White River Junction	529,545.92	17,093.92	72.00	1,677,526.96	132,854.79	675,899.62	733,493.09	0	600.00	134,679.46	0	0	0
Virginia: Roanoke	2,781,994.65	86,547.35	1,883.10	7,940,896.49	1,046,854.80	5,306,863.05	931,090.19	0	0	656,088.45	1,111.65	0	0
Washington: Seattle	3,756,595.58	71,640.98	23,743.49	12,719,746.89	16,927.54	7,667,965.19	4,446,185.75	0	0	588,668.41	16,652.12	0	0
West Virginia: Huntington	2,805,294.61	98,540.06	8,222.39	6,875,109.95	32,735.75	4,891,797.76	975,220.99	0	0	975,355.45	6,447.02	0	408.93
Wisconsin: Milwaukee	4,039,592.72	81,546.45	38,871.54	10,923,950.74	985,459.32	7,607,185.74	1,794,949.35	1,246.67	0	535,109.66	0	0	0
Wyoming: Cheyenne	386,142.58	4,651.31	868.10	1,109,228.84	8,520.23	961,627.96	55,568.73	0	0	83,511.92	0	0	0

Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. SHUFORD] who is chairman of the subcommittee that gave very careful consideration to this bill.

Mr. SHUFORD. Mr. Chairman, I rise in support of the bill, H. R. 72, which seeks to control the funds now in certain guardianship estates of incompetent veterans and provide for the disposition of the same which are unpaid at the death of the intended beneficiary.

Both in the 84th and 85th Congresses it was my good fortune to serve as chairman of the subcommittee which considered this legislation. The bill in the 84th Congress, you will recall, was H. R. 10478 and it passed the House in the second session of that Congress. I think it should be stressed here that the subcommittee in both Congresses was unanimous in favoring this legislation. Also, the full committee was unanimous on both occasions with one exception.

It is well to keep in mind what we have reference to in this bill—what we are really doing. Now, an incompetent veteran, after the expiration of 6 months, having no dependents and being cared for in a Veterans' Administration hospital, has his compensation or pension withheld in all amounts above $30 a month or 50 percent of the compensation or pension, whichever is the greater. Further, there is a provision that where the estate has reached $1,500 or more, no further payments are made until the estate has been reduced to $500.

But we are not talking about such cases today. We are concerned primarily with a veteran who is incompetent—he may have a guardian or he may not. He may be one who is having his compensation or pension paid into an account called "Personal fund of patients" in the hope that someday he will become competent and able to use it.

Take, for example, the case of a veteran whose estate today amounts to $45,761.60. It is derived entirely from compensation benefits payable to the veteran. The veteran has been rated incompetent since World War I. His monthly compensation is $181. Approximately $100 a month is now required for the direct benefit of the veteran, and the balance has been building up over the years. Income from investments totals over $1,000 annually. This money is still under the control and direction of the Federal Government. Collateral heirs will receive this entire estate.

Another example is the case of a veteran hospitalized since June 4, 1925. He has been under the care of a guardian since November 9, 1921. He is service connected and rated 100 percent disabled. Monthly payments of $198.50 are being paid to his dependent mother who resides in Greece. The mother is past 90 years of age. The estate is accumulating by reason of the small payments required for his care, and over the past 10 years there has been expended less than $100 a year for the care of this veteran. This estate, upon the mother's death, will probably go to heirs in Greece who have not seen the veteran for over 30 years.

Still another example: This veteran drew service connected benefits from the date of his commitment to a State hospital in the year 1922 until his death in 1954, at which time his estate was valued at more than $30,000. After payment of administration costs a balance in excess of $30,000 was paid to the estate of his mother, who had survived him but whose death occurred before actual distribution of the veteran's estate. There is information of record to the effect that the mother remarried less than 30 days prior to her death and that this individual has received, or will receive, the surviving husband's share of her estate.

I could go on with many other cases, which, in some instances, are worse than those which I have already cited, but that is the sort of abuse which this bill aims to prevent.

I want to emphasize again that this bill provides for payment to the widow, adult or minor child, and dependent parents. Also, where a member of the veteran's family is paying for his care, the Veterans' Administration is authorized to make reimbursement for the money expended in behalf of the veteran. Let us not forget, however, that most of these cases, perhaps 80 percent or 90 percent, are being hospitalized at Government expense.

Following are statements made in behalf of veterans organizations—VFW and AMVETS:

STATEMENT OF JOHN R. HOLDEN, NATIONAL LEGISLATIVE DIRECTOR, AMVETS

H. R. 72 would prevent the payment of funds accumulated from Veterans' Administration benefits upon the death of a person under legal disability, to persons other than the spouse, children, or dependent parents of the deceased. The practical effect of this proposal, if enacted, will be to keep funds accumulated through monthly compensation, pension, or other benefit payments on behalf of incompetent beneficiaries from falling into the hands of persons having no interest in the welfare of the veteran during his lifetime.

This bill, H. R. 72, is identical with H. R. 10478 of the 84th Congress which was passed by the House of Representatives on July 23, 1956. The report accompanying that bill, Report No. 2584, revealed that at that time the total value of estates of beneficiaries under guardianship of one sort or another approached one-half billion dollars. The report also cites approximately 40 examples of large estates being left to distant relatives. These illustrations vividly portray the desirability of corrective action. AMVETS endorse the intent of this bill and urge its favorable consideration by your committee.

STATEMENT OF FRANCIS W. STOVER, COUNSEL FOR LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS

H. R. 72, which is a little more technical than the other two, does provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary.

The long experience of the Veterans of Foreign Wars has been that most benefits should be paid directly to the veteran himself or his immediate dependents.

It is noted that this bill here takes care of those who are within the immediate dependency of the veteran. And certainly we would not endorse the paying of benefits intended for a veteran to be paid to some collateral relative who had no interest in the veteran during his lifetime.

So the Veterans of Foreign Wars is on record as favoring in principle, H. R. 72.

The following is an excerpt from the April 1957 issue of the American Legion magazine:

WOULD RESTRICT INHERITANCE OF ACCUMULATED GOVERNMENT BENEFITS OF INCOMPETENT VETERANS

Another Teague bill (H. R. 72) proposes that unspent Government veteran benefits held in trust for incompetent veterans must go to a restricted class of immediate dependents, on the death of the veteran. Lacking such close relatives, they'd revert to the Government. If nothing else, this is an interesting and complicated subject. Such benefit checks at present go to the estate of the deceased veteran, finally passing on, in some instances, to heirs who neither rendered the service to the Government for which the benefits were paid, nor were ever remotely dependent upon the deceased veteran. Sometimes accumulated thousands of dollars in compensation payments pass on to 11th cousins from Timbuktu by this process, and it is TEAGUE'S reasonable view that this is an unintended use of veteran-benefit appropriations.

Representative TEAGUE anticipates that control of such sums already in trust, having been paid out under existing law, might be contested in court battles with the outcome questionable. He is more confident that future payments, if H. R. 72 were enacted, could be so controlled. Total veteran benefit payments held in trust for incompetents or minors is nearly half a billion dollars, not all of which would be affected by H. R. 72. American Legion rehabilitation commission has approved H. R. 72.

I submit that this is a reasonable and fair proposal. It will undoubtedly save millions of dollars for the Federal Government. At the same time all veterans who are entitled to their pension or compensation will be fully protected, as will their dependents. When the law was enacted many years ago, the Congress did not foresee that estates such as have been permitted to accumulate would ever occur.

I hope that this bill will be passed and speedily enacted into law. It is essential that we take prompt action to correct admitted abuses in the veterans program if we are to continue to merit the confidence of the Congress and the American people.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield.

Mr. MILLER of Nebraska. The gentleman refers to collateral relatives getting the estate when the incompetent dies; do I understand that if he has no mother, no father, that his brothers and sisters are not collateral relatives and are not entitled to the residue of the estate?

Mr. SHUFORD. Not under the provisions of the bill. I use the expression "collateral relatives." That would cover brothers and sisters. The bill however provides for payment to dependent spouses, and I think an amendment is to be offered striking out the word "dependent." It does not include brothers and sisters. Under the terms as I used it collateral would be brothers and sisters.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from Indiana.

Mr. BRAY. There are several parts of this bill that, frankly, I do not understand. Does this apply to money already in the hands of the guardian that has

been paid, or does it merely apply to money that the Government has held and has never paid to the guardian?

Mr. SHUFORD. I would like to be corrected if I am wrong, but I think it applies to money that has been paid to the guardian and also to money withheld by the Federal Government. You will find that the money has been held by the Federal Government in this personal fund or by the hospital itself. That money is for the benefit of the incompetent.

Mr. BRAY. Correct me if I am wrong. Is it a fact that some of the money will be held by the guardian and some of it by the Federal Government and never turned over to the guardian? Is that correct?

Mr. SHUFORD. That is correct.

Mr. BRAY. There is another question that gives me some concern about the money held by the guardian. I well understand how the money that has not been turned over to the Government can be handled, but the average guardianship receives money from several different sources. That has been in existence, as you know, for some time. I notice here you say "emergency officers' retirement" is included in these funds to go back to the Government, but you say nothing about the regular officers' retirement. Why is that difference made?

Mr. SHUFORD. I am not exactly sure. That is some obligation that has already been credited to the regular officer or that has constituted a payment to him prior to his death.

Mr. BRAY. No. There are two types of retirement, especially in World War I. There was the regular officers' retirement and there was your emergency officers' retirement. In neither case did the officer pay anything into that fund. You indicate the officers' retirement, but not the regular officers' retirement. Do you know why that was left out?

Mr. SHUFORD. I am sorry; I cannot answer that question, but I will find out.

Mr. BRAY. It is a rather important matter.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The reason that we did not take that into consideration was because we were only considering payments which are made by the Veterans' Administration.

Mr. BRAY. I see. Then, along the same line, I want to find out something that the report does not cover. Let us refer to insurance. An officer or an enlisted man, a veteran, has insurance that he has paid for himself in the Prudential Life Insurance Co., for example. Does that go back to the Federal Government in any way?

Mr. SHUFORD. No; not under this bill.

Mr. BRAY. Let us say he had war-risk insurance from World War I for which he paid.

Mr. SHUFORD. That is also excluded by this bill. That does not come under the bill.

Mr. BRAY. How are you going to figure the money in the hands of a guardian, not the money all held by the Federal Government, but, let us say, money in the hands of a guardian, part of which he received from insurance that he paid for, part of it he received from a pension from the Government, part of it he received from inheritance, part of it he received from one source or another, all of that going into the hands of the guardian; and expenses are paid out of the guardianship, various and proper expenses. Now, how are you going to determine when all that money is in the hands of a guardian, during a period of 20 or 30 years, what part should go to the heirs, excluding the Government money? How are you going to figure all that out?

Mr. SHUFORD. I do not think that would be too difficult an administrative problem. The guardian keeps an accurate account of the funds he receives; also he keeps accurate account of his disbursements for expenses and disbursements for investment. You must remember that when the estate, under present law, reaches $1,500, then the payments are stopped until it is reduced again to $500.

Mr. BRAY. I understand that, but in a way that is going to make it more difficult. What I am saying is this: You receive money from various sources, some of which, through this bill, you know, can come back to the Federal Government; some will not. Then there are expenditures over a period of years.

Mr. SHUFORD. I think the gentleman will find that those expenditures will be cared for by the Federal Government, since the veteran is in a Government hospital, 99 out of 100 times the payments are made direct to the hospital for his care. If he is incompetent, he has no use for a large amount of funds. There is one case here where we found that the only amount he had use for was $100 a year.

Mr. BRAY. I understand how that will work in some cases, but I am talking about a case where for part of the time he was out of the hospital, then he went back into the hospital and died in the hospital. How are you going to prorate the amount of money he received from the Government for his expenses to determine what percentage of that money goes to his heirs and what part goes back to the Federal Government?

Mr. SHUFORD. As long as he is in the hospital, the Federal Government will be paying his expenses to the hospital, and then if he comes out, he is allowed so much each month for his upkeep and his care. And, I think a competent guardian would have no difficulty at all in separating the funds. He does not have to commingle the funds. He can keep the funds of his estate other than the gratuities separate, if we are permitted to use that word, that he received from the Federal Government. This money is being paid for personal services that he has given to the Federal Government and is not for services for any member of his family. This is a recognition by the Federal Government of his services and his services alone.

Mr. BRAY. I recognize that, and, frankly, I am not opposed to the bill. But, I am trying to put myself in the position I have encountered, and most of the lawyers here have, as an attorney for a guardian in a situation such as this. What I am trying to do is to clarify it. Let us say the man had $10,000 in his estate when he went to the veterans hospital. Part of that money he got from compensation; part of the money he got in many other ways. Many expenses have been paid, but there is a balance of $10,000. Then he goes to the hospital 5 or 10 years later and he dies. At that time there is a substantial amount of money in the estate. How are you going to decide what part of that money goes to his regular legal estate and what part goes back to the Government?

Mr. SHUFORD. As far as I can see, as long as he is receiving funds from pensions or from compensation, and he is not incompetent, he has not been adjudged incompetent, that constitutes his personal estate. But, the minute he is judged incompetent and goes into an institution for that purpose, then the funds are paid into the personal fund or the hospital or the guardianship account, and that money can be separated from his personal estate which he had while he was competent. I think that the money he received before he was declared incompetent under this bill will be his own personal estate.

Mr. BRAY. I can see how you can take care of it from now on; I am not questioning that. But, remember this, many people are judged incompetent, and the guardianship goes on for years before he ever goes to an institution. Some of those have a great deal of income. Some are moderately wealthy. I know of an instance where some real estate was purchased in the thirties. Today that real estate is worth 10 times what it was then. What I am worried about is that you are going to run into a most difficult situation unless this is clarified. That is the reason I am asking these questions, in order to clarify the situation.

Mr. SHUFORD. I appreciate the gentleman's asking the questions and I have tried to clarify the situation.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman.

Mr. ADAIR. Is it not a fact that it is contemplated that the decision as to the division of these funds will be one arrived at by the Veterans' Administration; and that it is anticipated that they would charge all expenses to the gratuities, to the extent that the gratuities would take care of them?

Mr. BRAY. Would that be done on a pro rata basis?

Mr. ADAIR. No. It is my understanding that it would be charged wholly to the item of gratuities insofar as they could be taken care of in that way.

Mr. BRAY. How about real estate that cost $5,000 that is now worth $30,000 which is really part of his guardianship? Does that go to the Federal Government?

Mr. ADAIR. I am sure that if there were any basis for the Veterans' Administration to find that that real estate had

been purchased out of the veteran's own funds, there would be every disposition to treat it as his own funds.

Mr. SHUFORD. I think under the bill itself that his personal funds if enhanced would constitute his personal estate. However, as to these payments made by way of pensions and compensation, they would be returned to the Federal Government.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman.

Mr. LAIRD. I appeared before the gentleman's subcommittee at the time H. R. 72 was up for consideration and presented a problem which I thought was somewhat unique to the State of Wisconsin. We, in Wisconsin, have a Veterans State Home, located at King. The guardianships of the estates of these individuals have been turned over to the State of Wisconsin when these veterans have been residents of the State home and there were no heirs, as listed in the previous bill. It is my understanding, and I want to find out if it is correct, that the procedure used by Wisconsin your committee found to be in error?

Mr. SHUFORD. No. I think the gentleman will find that the committee felt that that was giving Wisconsin a preference over the other States in the Union that did not have such a provision and that it was contrary to the intent of the Federal Government that the State of Wisconsin should have money escheat to it that had been paid by the Federal Government to veterans as compensation or a pension. Such sums which were paid by the Federal Government, instead of being returned to the Federal Government as this bill provides would have been turned over to the State of Wisconsin. The committee considered the question. It was well presented to the committee. But the committee rejected it because they did not think it would be proper in this case.

Mr. LAIRD. Mr. Chairman, will the gentleman yield further?

Mr. SHUFORD. I yield further.

Mr. LAIRD. I wonder if the committee gave any consideration to the proposal of allowing the State home to be reimbursed out of the assets of the estate for the cost of caring for and maintaining the particular veteran involved?

Mr. SHUFORD. As I remember it, the State was compensated for the care of the patient while he was in the hospital. This had to do only with funds that came about at the death of the veteran. Wisconsin received full compensation. This bill provides that the expenses incurred in behalf of the veteran will be paid.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman.

Mr. FORD. In the case of most State homes—I think Wisconsin is one of them—the Federal Government pays 50 percent or up to $750 annually for the care of veterans.

Mr. SHUFORD. That was my understanding.

Mr. FORD. I know that to be the case because I have a State home in my own Congressional district and the Federal Government does pay 50 percent or up to $750 a year. So the State of Wisconsin or the State of Michigan would not have any more than a 50-percent charge at the most against the estate.

Mr. LAIRD. They could have a 50-percent charge, however, against the estate. There seems to be no reason why the full amount should not be recovered from the estate. Of course, the gentleman has just stated that the full expenses can be taken out for taking care of the veteran.

Mr. SHUFORD. The bill provides for expenses being paid by the administration.

Some mention was made a few minutes ago that there is no provision in the bill for the funeral expenses. On page 4 I think provision is made for the full administration of the estate, and all of you are familiar with the fact that funeral expenses are expenses in the administration of an estate.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from Maryland.

Mr. HYDE. It is an accepted principle of law that when a gift is made either to a person or to a guardian or administrator for that person title to that property passes to the beneficiary of the gift. Can the Government constitutionally take that property back, in the first place, and in the second place, how can that constitutionally change the State laws in relation to inheritance taxes?

Mr. SHUFORD. We recognized that in the study of the bill. If the gentleman will refer to the hearings, he will find that the great majority of this money, in fact, most of it, is never paid by the Federal Government, it is still held by the Veterans' Administration and would be paid except for the incompetency of the veteran.

Mr. HYDE. But it is paid to some official of the Veterans' Administration for the benefit of the incompetent veteran, is it not?

Mr. SHUFORD. It is simply held by the Veterans' Administration in the event of recovery of the veteran, so that it would be paid to him at that time.

Mr. HYDE. I know, but the bill provides that if there is any money in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, you are going to take back the property given to such person.

Mr. SHUFORD. That is paid for the benefit of the veteran.

Mr. HYDE. That is right.

Mr. SHUFORD. There may be some legal questions that would arise on that. We thought it would be much better to bring the bill in with that purpose in there so that the money could be returned to the Federal Government, for it was solely for the benefit of the veteran and was not used for his benefit. It is true that only a certain portion of the funds is ever paid to the veteran. There has never been a complete payment or a gift to the veteran, but the money is withheld.

Mr. ADAIR. If the gentleman will yield, in answer to the question of the gentleman from Maryland it seems to me that there is a legal question here on the point the gentleman makes. However, there are sufficient authorities, and the gentleman will find reference to some of them in the report.

Mr. HYDE. I have read those references in the report, and none is in point.

Mr. ADAIR. There is sufficient authority to constitute sound legal opinion to the effect that this is a constitutional enactment.

Mr. HYDE. Your own report states that it is not suggested that the preceding instances are directly in point.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from California.

Mr. ROOSEVELT. May I refer the gentleman to page 3 of the report, where the benefits in the bill are listed as five in number. No. 5 is listed as retirement pay. My question is, How can retirement pay be listed as a gratuity?

Mr. SHUFORD. It has been held by the Government to be gratuitous payment. To be very frank with the gentleman from California, I do not like to use the word "gratuity" in connection with a veteran. I think it is a payment that is made by the Federal Government purely for the personal service of the veteran himself.

Mr. ROOSEVELT. I thank the gentleman. I have some question as to whether that should remain in the bill.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. If the guardian of a veteran invests the funds and there are emoluments, do those belong to the Government or the veteran?

Mr. SHUFORD. I should say they would have to be distributed or paid according to the terms of this bill if they were payments made by the Federal Government, either pensions or compensation.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. The gentleman from California asked one question in which I was interested, in regard to retirement pay. Would the gentleman from North Carolina explain to me what is meant by "emergency officers' retirement pay," which is shown on page 3 of the report as one of the five categories of benefits affected by the bill?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield to the gentleman from California.

Mr. SISK. I believe that is a World War I act, with reference to an act providing for the payment of certain special funds.

Mr. BASS of Tennessee. What about the "servicemen's indemnity"? What do you mean by that?

Mr. TEAGUE of Texas. That is the $10,000 of free insurance which was given to the veteran when he went into the service.

Mr. BASS of Tennessee. Do you mean that this is the $10,000 that the veteran

was given as insurance and it is to be returned under this bill?

Mr. TEAGUE of Texas. That is, if he dies and he does not have any dependents, it will go back to the Treasury of the United States where it came from.

Mr. CRETELLA. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield.

Mr. CRETELLA. I think the gentleman has said that the money stays in the Treasury of the United States.

Mr. SHUFORD. It is in the Veterans' Administration.

Mr. CRETELLA. Mr. Chairman, the gentleman has said that this money stays in the treasury of the Veterans' Administration or in the funds of the Veterans' Administration.

Mr. SHUFORD. It is in the personal fund of the patient.

Mr. CRETELLA. Can the gentleman tell us how many such estates are involved and how much money is involved?

Mr. SHUFORD. I think I am correct in this amount—it amounts to about $500 million. Is that correct, may I ask the chairman of the committee?

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield.

Mr. TEAGUE of Texas. As of June 30, 1956, there were 348,038 guardianship cases, 237,751 were minors and 110,287 were incompetents. Just what percent of those incompetents have dependents, we did not go into that because we could not.

Mr. CRETELLA. How much money does that involve?

Mr. TEAGUE of Texas. It involves about $560 million.

Mr. CRETELLA. In this bill on page 2, there is a provision, as I understand it, that the money from any particular estate which escheats to any State of the Union under this bill would revert to the Federal Treasury and the States would be deprived of the money which would legally escheat to the State under State law; is that correct?

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I am glad to yield to the gentleman.

Mr. TEAGUE of Texas. Where there is a conflict between the State statute and the Federal statute, the Veterans' Administration says and I quote:

> It is the position of the Veterans' Administration that under the circumstances, recited in the Federal statute, such Federal statute prevails over the State law and that the funds escheat to the Veterans' Administration (United States). This view is supported by court decisions involving statutes of other States somewhat similar to that of Wisconsin.

Mr. CRETELLA. So what this bill now does is to deprive all the States of the Union of the right of escheat which they now have because this will supersede their State laws.

Mr. TEAGUE of Texas. No, the States do not get it today whether this bill passes or not. The States do not get that.

Mr. CRETELLA. It does not give them the particular amount of money in this bill, but it does give them the estates that escheat to the State in any particular State under the provisions of the State law whether it is Veterans' Administration money or other money.

Mr. TEAGUE of Texas. Not the veterans' benefits.

Mr. FULTON. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield.

Mr. FULTON. A peculiar thing is happening if money in guardian estates goes back to the Federal Government while, if the guardian has been foolish and gotten rid of the money, then it will not go back. So why does not this penalize the thrifty guardian and if it is in a guardian estate, it will be taken back, but if the veteran or his guardian has given it to somebody else, not for any consideration, it will not go back? Why should not the estate go according to the laws either of the State or the veteran's will or the intestate laws when there is no will.

Mr. SHUFORD. Let me answer the gentleman in this way. The moneys are paid to the veteran and for his benefit. They are not paid for the benefit of any other person. It is in appreciation of the services of the veteran during his service in the Army. If the veteran has not accumulated any estate himself, and the veteran is an incompetent and has been unable to accumulate anything, the Federal Government has held the money or put it into a guardian account purely for that individual and not for the collateral heirs or for anyone else. It is true, if he needs the money, it is paid to him. It is not for the benefit of someone else. It is not for the purpose of speculating to build up an estate for his brother or his sister or any other individual. It is for the use of that individual and it is given to him by the Federal Government. When he has no use for it, when he is dead, then that money is returned to the party who gave it to him, and I think that is proper. I think that the veterans' program has probably been criticized because of matters just like this. These payments by the Federal Government are for the benefit of one individual and that money should not be taken and used to enhance the estate of someone else. I think that is wrong.

Mr. FULTON. It brings up the point as to when does title pass; either to the veteran, or to his guardian. Once the title is passed, then that title is protected.

Mr. SHUFORD. I agree with the gentleman that there are some legal questions that have to be decided, but I think we are establishing a principle here, that this money is to be given to the veteran for his benefit. If there are some legal entanglements later on they will have to be decided in each individual case. It does involve some administrative difficulties, I agree, but I think the principle is correct, and that we should pass the legislation.

Mr. FULTON. Are we not penalizing the fellow who has become more completely disabled, because when they cannot get it then the Federal Government grabs it back again.

Mr. SHUFORD. No. Suppose he became competent, then he gets the advantage of the estate that has been made for him.

Mr. FULTON. But when he is dead, why penalize him more?

Mr. SHUFORD. We do not penalize him.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. SHUFORD. I yield.

Mr. ADAIR. The gentleman from Pennsylvania [Mr. FULTON] asked if this legislation would not tend to cause the improvident handling of veterans' estates. I think we have adequate safeguards because guardianships are handled and supervised by the courts under State laws. These laws will not permit the guardian or conservator to dissipate unwisely the assets held in the guardianship. I think that is the answer to your question.

Mr. FULTON. But it is not an answer. When a guardian spends the money out of a total fund, how are you going to marshal the assets against those expenditures? You cannot tell what they have been spent for, because it may be in one bank account.

Mr. ADAIR. The answer has already been given that in the first place it is the province of the Veterans' Administration to make that breakdown. Secondly, the guardian is required to keep records from which such determination can be made.

Mr. SHUFORD. Mr. Chairman, I think this is about as much time as I should take. Others may want to speak. I do say that the veterans' organizations support this legislation. There were certain amendments that they desire to have put in, which I understand will be put in at a later time.

Mr. FULTON. Will the gentleman yield for one further question?

Mr. SHUFORD. I yield.

Mr. FULTON. Why, when this law is passed and it becomes apparent to this guardian that if they do not spend it the Government will get it, why will they not spend this money? So this bill is aimed at getting improvident use of the money.

Mr. SHUFORD. No, because under the provisions of the law the estates cannot get over $1,500.

I yield back the balance of my time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself such time as I may desire and of my time yield 4 minutes to the gentleman from Minnesota, Mr. H. CARL ANDERSEN.

Mr. H. CARL ANDERSEN. Mr. Chairman, the gentleman from Indiana [Mr. BRAY] brought out a very essential point in this debate, and may I call to the attention of the committee on page 1515 of the hearings a statement by Chief Attorney Shupienis of the Veterans' Administration Center at Fargo, N. Dak. If you will study these reports from the various chief attorneys you will see how most of them anticipate considerable difficulty in the administration of this bill, if it should become law.

Mr. Shupienis makes this statement:

> If there should be no survivors in the named classes to receive the VA estate, but there are other heirs or next of kin entitled to succeed to the decedent's property under general succession laws, I believe legal proceedings would be commenced in almost

every such case in order to segregate the assets derived from VA benefits and those from private sources. This situation would, of course, be magnified in any case where the decedent left a will, for which no provision is made in the proposed amendment.

Remember that we are possibly dealing here with the estates of 113,000 incompetent veterans. We will throw out of consideration at this time the two hundred thousand minors, but many of those may fit into this same category.

If this bill passes, Mr. Chairman, it will mean that practically every one of these guardianships will have to go through tedious courses in the courts of the land. I, as administrator of my brother's estate, for example, could not, according to law, turn over a large portion of his estate to the Veterans' Administration without being assured that I would not be held liable personally for any claims against me for that estate which I have administered for 36 years.

Let me quote another statement with relation to the responsibility of the fiduciary. This is by Mr. McClive, Chief Attorney of the Veterans' Administration Regional Office at Buffalo, N. Y. I am quoting from page 1312. He states:

No fiduciary worthy of the name would turn over the assets until it had accounted to and been discharged by the court, particularly where there are private assets, other benefits, insurance, and earnings or investments to be segregated.

Can you not see, Mr. Chairman, the horrible mess that we will put this entire structure into if we turn over to the courts eventually the adjudication of all of these 113,000 estates?

Why should any man want to be a veteran's guardian and take care of his interests, knowing that at the end of that time a large part, if not all, of the estate would revert to the Government on the death of the veteran? It would be, as I stated, purely a lawyer's paradise and an accountant's garden, and we would see money squandered in every one of these estates. This bill should be recommitted for further study.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I have a very high regard for the members of the Committee on Veterans Affairs, but it seems to me that this is the most unkind bill—I do not like to say that—for veterans that has ever come up for consideration. We are hurting the veterans who cannot fight for themselves, veterans whose minds are astray. They have no protector if this bill goes through. They will not have had the protection of the Congress of the United States. They will not have had the protection of our Committee on Veterans Affairs which was created to help the veteran.

It is plain to me that we cannot amend this bill properly on the floor. I am thinking of the various legal lights who have spoken. Later on I am going to recommend that the bill be recommitted to the committee. I have certain amendments ready for introduction but they will not correct all the injustices in the bill.

Retirements, pension and other compensation paid by the Government are called gratuities. I am wondering if today we are feeling that the veterans are just a burden, that you the veterans on the floor here who fought and who were injured and wounded for us are considered just burdens, that we should give more to foreign countries to take care of them.

It has been said that Members want to get through and want to go home. I would like to go home, too, but we are legislating today for people who cannot go home, people who are incarcerated in mental hospitals. Some of them never go outside their wards.

Mr. Chairman, I would like to leave with the committee a few thoughts on the bill.

Mr. BAKER. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Tennessee.

Mr. BAKER. It seems to be conceded by all concerned that title to this money passes from the United States of America. Title has passed. And there are some good lawyers on this committee. As a lawyer I would like to find out how the United States Government can reach in by statute and take back money where title has passed.

Mrs. ROGERS of Massachusetts. That is the contention of the Veterans' Administration and I am going to quote from them in a minute.

Mr. BAKER. I thought I was making it apparent that there is a most serious doubt in my mind as to the constitutionality of an attainder or reaching in and getting money, which is prohibited by the Bill of Rights.

Mrs. ROGERS of Massachusetts. The Attorney General, the Veterans' Administration and the Comptroller General have all held that it is unconstitutional. In the future something might be passed to take, as the gentleman said, this money, but to take away his money now from him and his dependents is unconstitutional. The gentleman has raised an excellent point.

This bill is a very complex legislative proposal which involves many serious legal, technical, and administrative considerations. It would make sweeping changes in existing law of long standing. It would invade an area of legislation which traditionally, and under the Constitution, has been generally reserved to the several States. It would impose new and restrictive conditions upon the disposition of an individual's estate, including funds and property which have been accumulated over a period of years prior to enactment of the bill. This would appear to be an infringement of basic property rights.

Both the Veterans' Administration and the Department of Justice have questioned the constitutionality of the retroactive provision of the bill which would attempt to take back actual payments made in past years to guardians and other fiduciaries of incompetent beneficiaries without the restrictive conditions which this bill, for the first time, would now seek to impose upon them. Moreover, the Comptroller General, in view of the doubts which have been expressed as to the validity of the retroactive provision, has suggested the desirability of making the bill apply only to future payments.

It seems obvious that the legal question already raised with regard to the constitutionality of the retroactive provision in the bill, and many others which would arise out of the confusing and complex Federal-State conflict of interests which would result from enactment of this measure, could only be resolved by the courts, and then only conclusively by the Supreme Court of the United States. The far-reaching and adverse effects of this legislation upon the claims and interests of so many undoubtedly would cause a multiplicity of suits to test its validity. Such time-consuming and expensive litigation would not only be burdensome upon all the parties involved—including the United States—but the uncertainties created by such legislation, which might not be resolved for several years, would make the job of administering the law most difficult.

Apart from the basic legal considerations mentioned, this proposal raises a serious question with regard to Federal-State relationships in an area of mutual concern. One of the outstanding examples of Federal-State cooperation in the administration of a Federal program in which the States have an important responsibility is the Veterans' Administration Guardianship Program under existing law which this bill would change. Chief attorneys of VA regional offices assist State courts to safeguard the estates of minors and incompetents entitled to VA benefits. The Uniform Veterans Guardianship Act which has been enacted in most States in effect makes such chief attorneys an arm or agency of the State courts in supervising the administration of the estates of VA beneficiaries under guardianship. It would be most unfortunate if the harmonious and effective relationship long existing between the Veterans' Administration and State courts and other State law officials were disrupted by the enactment of Federal legislation which undoubtedly will be viewed by the States as a curtailment of their jurisdictional prerogatives as well as an invasion of individual property rights.

The purported purpose of this bill is to prevent the distribution of estates derived from payments of VA benefits in behalf of incompetent beneficiaries to remote heirs or distant relatives of such beneficiaries upon their death. It is contended that, under existing law, large amounts have been paid to aunts and uncles, nieces, and nephews, cousins, and other more remote relatives who, in most instances, demonstrated no interest in the deceased beneficiary during his lifetime. It should be noted, however, that the bill would not only cut out such relatives but would also eliminate mothers and fathers who could not prove that they were dependent upon the beneficiary, and would eliminate grandchildren and brothers and sisters from the eligible classes of heirs. It goes without saying that these last-named relatives could scarcely be described as remote kin or distant relatives. Quite often in the case of a person who is in an institution because of a mental disability, it is a brother or a sister who will show the

most concern for his welfare, who will visit him regularly, and who may, at great personal sacrifice, provide him with extra comforts beyond the normal care furnished by the institution. A close and strong bond of kinship and affection normally exists between brothers and sisters and is most often demonstrated when one of them has suffered illness or other adversity. Yet this bill would fail to distinguish between such close relationships and those of much more remote degree.

This bill would not change existing law—Public Law 662, 79th Congress—which includes brothers and sisters among the classes of heirs eligible to receive payments which have been withheld by the Veterans' Administration from hospitalized or domiciled veterans upon the death of such veteran. But it would exclude brothers and sisters from the survivors eligible to receive payments which have actually been made and have become a part of the estate of the beneficiary. What a paradox that would be.

I had intended at the appropriate time, to offer amendments designed to correct some of the most objectionable features of the bill, namely, the retroactive provision and the severe limitation on the classes of eligible heirs, which are as follows—but I am of the opinion that a straight recommittal is best:

On page 2, line 23, after the comma, insert "and any such funds derived from compensation, dependency and indemnity compensation, pension (including pension under private acts), emergency officers' retirement pay, or servicemen's indemnity paid by the Veterans' Administration before the date of enactment of paragraph (5) of this section."

On page 3, line 20, strike out "before or."

On page 2 strike out all of lines 13 through 16 and insert in lieu thereof the following:

"(C) The grandchildren in equal parts;

"(D) The mother or father (as defined in paragraph VII of Veterans Regulation No. 10), or, if he has both a mother and a father, to them in equal parts;

"(E) The brothers and sisters in equal parts;

"(F) The grandparents in equal parts."

What a paradox. What an extremely cruel paradox, because the men in the hospitals, under the provisions of Public Law 662, 79th Congress, would know their estates would go to their families. While these poor mental souls are incarcerated in hospitals—and I wish every Member here would spend a month in a veterans' hospital and watch them and talk to their families—they will have their estates taken by the Federal Government. If they did, they would realize a little more of the problems involved. We are being extremely cruel, it seems to me, to the veterans who cannot fight or speak for themselves.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman.

Mr. H. CARL ANDERSEN. Mr. Chairman, I would like to call the attention of the committee to page 38 of the report, where is to be found a communication from the Administrator of Veterans' Affairs, Mr. H. V. Higley. Let me read just a sentence of what Mr. Higley has to say. This is in reference to the gentlewoman's contention as to the possible unconstitutionality of the retroactive feature of the bill:

Notwithstanding our strong sympathy with this aim of the legislation, it is necessary again to raise the serious question which was presented in the prior report on H. R. 10478, 84th Congress, concerning the retroactive feature of the bill. It would purport to reach payments made to guardians and other fiduciaries and accumulated, in many cases, over long periods of time prior to enactment of this proposal. It is still the view of the Veterans' Administration that the validity of the proposal would be highly questionable.

Mrs. ROGERS of Massachusetts. This is not a just bill and takes unfair advantage of the veterans and their dependents.

Mr. Chairman, I reserve the balance of my time.

Mr. BECKER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Chairman, I oppose H. R. 72. This legislation is ill-conceived and wrong in principle. This bill would only open the door for all kinds of litigation never intended.

Mr. TEAGUE of Texas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H. R. 72) to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary, had come to no resolution thereon.

REPORT ON THE HEALTH OF HON. JOHN V. BEAMER, OF INDIANA

The SPEAKER. Under previous order of the House, the gentleman from Indiana [Mr. HARVEY] is recognized for 10 minutes.

Mr. HARVEY. Mr. Speaker, I have asked for this time for the purpose of reporting on the health of my friend and colleague from Indiana, Congressman BEAMER. As many of the Members know, Congressman BEAMER was stricken with a severe heart attack at Eastertime while he was visiting his son, John, Jr., in North Carolina. His recovery during the past few months has been very satisfactory and he is now back in his home in Wabash, Ind.

I had a letter from him the day before yesterday in which he asked that I express to all of his colleagues here his extreme disappointment that he is unable to be back among them; and, in fact, it looks very much as though, in order that he may have a complete and satisfactory recovery, he will not be able to return during the balance of the session.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. HARVEY. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. Will not the gentleman convey to him our very real happiness at his betterment and tell him to be sure to take care of himself.

Mr. HARVEY. I thank the gentlewoman from Ohio and I will be very happy to convey that message to him.

Also I had a letter just yesterday from Mr. BEAMER which he asked to have included as part of my remarks during this special order. Mr. Speaker, I ask unanimous consent at this time to include this letter as part of my remarks.

The SPEAKER pro tempore (Mr. LOSER). Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 9, 1957.

Hon. RALPH HARVEY,
Member of Congress,
House of Representatives,
Washington, D. C.

DEAR RALPH: Due to illness I have been unable to attend recent sessions of the House. Colleagues have been securing live pairs for me whenever it has been possible to do so.

On Tuesday, June 18, on Roll No. 112 I was paired correctly as opposed to the recommittal of H. R. 6127, the civil-rights bill.

I also would appreciate your calling to the attention of my colleagues the fact that I would have voted "Yea" on Roll No. 113 for final passage, so that they will know how the fifth district is recorded on this issue.

I want to thank you and my other colleagues who have kept me so closely informed on the activities of the Congress.

Sincerely yours,

JOHN V. BEAMER,
Member of Congress.

Mr. HARVEY. Mr. Speaker, may I say in conclusion that the letter from the gentleman from Indiana has indicated that his health will be such that he expects to be back here on active duty at the beginning of the next session. I know we all join in wishing him a complete and satisfactory recovery.

MRS. RHEA SILVERS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2070) for the relief of Mrs. Rhea Silvers, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, lines 3 and 4, strike out "in excess of 10 percent thereof."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE COMMUNIST THREAT

Mr. HALE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HALE. Mr. Speaker, I can see nothing in the current scene to justify a relaxation of our vigilance against the threat of Soviet communism. The inference from recent decisions of the Supreme Court is that it is not much concerned by communism as an internal threat. It seems to regard the overzealous prosecutor as a greater hazard than the wily Communist.

Is the Court justified in its attitude? I think not. The evidence indicates to me that the Communists are not relenting or becoming more tolerant of our free form of society.

For example, I noted in a recent news article that two Americans have been indicted as alleged members of a global Communist spy ring run by confessed Soviet spy Jack Soble. These 2 allegedly infiltrated into 2 highly sensitive agencies—Army Intelligence and the Office of Strategic Services. If they were able to gain access to the secret information in these agencies, I wonder how many unexposed Communists are doing the same.

This example should warn us to maintain our vigilance and not be lulled into complacency by Communist protestations of friendship. Neither should we conclude that the current shakeup in Soviet Russia is an indication of growing weakness. Although leaders may change, the ultimate Communist goal of world domination remains.

In common with most Americans, I believe in the Anglo-American concept of justice that a man is innocent until proved guilty. This concept holds that it is better for 10 men to escape than for 1 innocent man to be punished. But on the other hand, few of us relish the idea of making the course of justice like an 18-hole golf course with sand traps, waterholes, and hazards of all kinds so cunning and ingenious that only the most skillful and fortunate prosecutor can hope to get around the course.

The Romans held the classic maxim that the safety of the nation was the supreme law. True, this maxim in the hands of a Hitler or a Peron, to say nothing of a Stalin, can no doubt be used to justify brutality and cruelty. Still I cannot help thinking that the members of the Supreme Court are too comfortable about the dangers of treason and subversion either by agents of the Communist conspiracy or others. A distinguished member of the other body recently observed that the decisions go a long way to protect the wolf against Red Riding Hood.

Members of the Communist Party in the United States have been openly jubilant over the recent Supreme Court decisions. For example, after the Court had acquitted 14 Communists convicted under the Smith Act, the California leader of the party exclaimed:

"It will mark a rejuvenation of the party in America. We have lost some members in the last 2 years, but now we are on our way."

To me and to many Members of Congress these are ominous words.

I hope that legislation will be passed at the present session to protect the files of the FBI and make their contents available only when a judge directs.

In addition, I hope that the Smith Act will be amended in view of the manner in which it is interpreted by the Court.

Perhaps the Court itself may reverse or modify some of these decisions as it has been known to do in the past.

Under no rationalization can we afford to aid internal communism to subvert this country.

AMENDMENT OF UNIFORM CODE OF MILITARY JUSTICE

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, the decision of the Supreme Court of the United States in the Girard case is a challenge to the Congress to act and to act rapidly to provide rules for the government and regulation of our Armed Forces that will protect all American citizens who are so unfortunate as to be assigned to duty in foreign lands.

The Court based its decision on the waiver provision of the administrative agreement with Japan.

The Court found that there was no legislation subsequent to the security treaty which prohibited the carrying out of the provision authorizing waiver of the qualified jurisdiction granted by Japan.

In the absence of such statutory barrier, the Court said the wisdom of the arrangement is exclusively for the determination of the executive and legislative branches.

It is now obvious that any serviceman serving abroad must weigh each order carefully before executing it for fear that a foreign government will say he was acting beyond the scope of his instructions and that his own Government will fearfully surrender him to a foreign court for prosecution.

This will demoralize discipline and completely destroy the morale of our forces.

I propose to try to prevent this. The Rules Committee has given no indication of permitting the House to vote on my resolution, House Joint Resolution 16, which was reported by the House Foreign Affairs Committee, and which was proposed in order to induce the executive branch to take action to improve the present situation.

I, therefore, propose that the Congress shall enact legislation under the power granted it in the Constitution, which legislation will provide the barrier which the Supreme Court indicates is necessary to save our servicemen from foreign justice.

I am, therefore, today introducing a bill to amend the Uniform Code of Military Justice, which I believe will accomplish this purpose.

AUTHORIZATION TO ACCEPT AND WEAR CERTAIN AWARDS

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8656) to authorize the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., Members of Congress, to accept and wear the awards of the Order of the Star of Solidarity—Stella della solidarieta Italiana di 2d classe—and the Order of Merit—dell'Ordine Al Merito della Republica Italiana—of the Government of Italy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., Representatives from the State of New Jersey, are each authorized to accept the awards of (1) the Order of the Star of Solidarity—Stella della Solidarieta Italiana di 2d classe—and (2) the Order of Merit—dell'Ordine Al Merito della Republica Italiana—of the Government of Italy, together with any decorations and documents evidencing such awards.

(b) The Secretary of State is authorized and directed to deliver to the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., any decorations and documents evidencing the awards referred to in subsection (a).

SEC. 2. Nothwithstanding section 2 of the act of January 31, 1881 (5 U. S. C., sec. 114), or any other provision of law the Honorable HUGH J. ADDONIZIO and the Honorable PETER W. RODINO, JR., are each authorized to wear and display the awards referred to in subsection (a) of the first section of this act after acceptance thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARMFUL FOOD ADDITIVES

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, the long range threat to public health from inadequately tested chemical food additives is greater than the dangers from atomic fallout. Remedial action is imperative. The great statesmen of the world are striving to end the danger of fallout but little is being done here at home to protect our own people against possible cancer-causing and other harmful food additives.

There is presently pending before the House Interstate and Foreign Commerce

Committee legislation to protect the health of the public by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of chemical additives which have not been adequately tested to establish their safety.

The need for this legislation is vital and immediate. Within the past 20 years, hundreds of chemical substances have been added to foods in an attempt to improve their taste, color, nutrition, or preservation. Many of these chemicals have not been subjected to the adequate scientific investigation and exhaustive testing required to determine that they are safe for use in foods. Tests on animals, while very important, are not conclusive in all instances.

Under the present law, manufacturers may not add poisonous or deleterious substances to foods in any amounts unless such substances are required for production purposes or their use cannot be avoided by good manufacturing practice. When so required, the Department of Health, Education, and Welfare is authorized to establish safe maximums for use of such substances. But, I might point out, no action can be taken to stop in advance the use of a chemical until the Government can prove to a court or jury that it is actually poisonous or harmful. Ordinarily, this proof requires 2 or more years of laboratory investigation to obtain. While this investigation is going on, the chemical can still be used in foods.

Mr. Speaker, it is essential to the public health that we know in advance that proposed chemical ingredients are safe before they are added to the foods that we eat. The danger is just too great to justify the continuation of present practices.

Several years ago, a House select committee was established to investigate the use of chemicals in foods and cosmetics and this committee sharply pointed up the deficiencies in the present law. The committee recommended in 1952 that the Federal Food, Drug, and Cosmetic Act be amended "to require that chemicals employed in or on our foods be subjected to substantially the same safety requirements as now exist for new drugs and meat products."

The legislation now pending before the House Interstate and Foreign Commerce Committee would go far toward carrying out the select committee recommendations. It would furnish an adequate pretesting requirement. It would permit the department, on its own initiative or at the request of an interested person, to issue, only after thorough tests, regulations establishing conditions under which an additive may be safely used. Unless the additive were found to be safe for use, it would have to have functional value before even safe amounts would be tolerated in foods.

In urging passage of this legislation, Secretary Marion B. Folsom, of the Department of Health, Education, and Welfare, stated recently:

> Although the majority of chemical and food manufacturers investigate carefully all materials which they propose to use in their products, present controls do not assure adequate public protection. So many chemicals are now in use that the Food and Drug Administration is not able to do all of the testing that is needed. The proposed legislation, therefore, makes the chemical manufacturer responsible for proving the safety of his product before it can be used.

Secretary Folsom emphasized that many chemical additives now in use are entirely safe and are officially sanctioned and these would be exempted from the pretesting requirements of the proposed bill. An additive not generally recognized as safe by qualified experts would not be exempted even though it had been in use for some time.

Mr. Speaker, the proposed bill takes into account the fact that some additives are highly beneficial if properly used but may be toxic if used in excessive amounts. Basically, the bill provides for establishing safe levels for use of such additives. At the same time, it requires that a toxic additive, even in a safe amount, must have functional value.

Under the proposed legislation, any manufacturer who considered himself to be adversely affected by a chemical additive regulation, or by the Department's refusal to make such a regulation, could file objections and request a public hearing. Any regulation issued after such a hearing would be based solely on the evidence taken at the hearing, including any report made by an advisory committee. Such regulations would be subject to review by a United States court of appeals.

Mr. Speaker, this legislation is not only fair to the food manufacturer, but is vital to the public health. I strongly urge that it be acted upon favorably this session of Congress.

RECOGNITION AND ENDORSEMENT OF THE SECOND WORLD METALLURGICAL CONGRESS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I am today introducing a joint resolution providing for the recognition and endorsement of the second World Metallurgical Congress.

In October of this year some 500 metal scientists and engineers, many representatives of their respective governments, will come to the United States to attend the scientific sessions of the second World Metallurgical Congress to be held in Chicago, November 2 to 8.

Under the sponsorship of the American Society for Metals, one of the country's leading scientific organizations, whose membership is in excess of 28,000, these visitors will join with American counterparts in a series of technical panels and sessions for a study of world metal resources and metalworking procedures, all designed toward the more efficient use of metal reserves around the world.

Today, at the dawn of the atomic era, the metal scientist stands as one of our key scientific figures. It is the metallurgist who is the one that must develop the metal to meet the new needs of atomic power. He has the problem, too, of finding metals that can withstand the vigors of supersonic flight. These are some of the problems to be viewed and studied during the coming World Metallurgical Congress.

Under leave to extend my remarks, I include the resolution herewith:

> Whereas the growing demand upon the metal resources of the world presents a problem prompting the most serious consideration among nations; and
>
> Whereas a broader acquaintanceship with present-day mineral resources and the means for conserving these diminishing resources is essential to the well-being of mankind; and
>
> Whereas our own mineral resources being deficient in several vital minerals, the United States is faced with continued dependence upon overseas and other sources; and
>
> Whereas the outlook for improvement in basic resources is not encouraging, there is need for broad scientific research and wide-scale exploration to effect discovery of new metals and metal resources; and
>
> Whereas the free exchange of scientific information among the world's metallurgists will contribute to the betterment of this deficiency at home and abroad; and
>
> Whereas the United States has a responsibility and an opportunity to provide vigorous leadership in the search for substitutes for critical resources in order to preserve these resources from complete exhaustion; and
>
> Whereas the metal scientist is today accepting this challenge in good spirit and with efficient performance, contributing actively to the mastery of new wonder metals and the peacetime uses of the atom; and
>
> Whereas the economic health of the world will be enhanced if the United States nurtures a friendly attitude toward worldwide scientific and industrial efforts; and
>
> Whereas several hundred distinguished metal scientists from twoscore countries throughout the world will visit our shores in October and November of 1957 to participate in deliberations on metal resources and operations: Now, therefore, be it
>
> *Resolved, etc.*, That the Congress hereby extends its official welcome to the overseas metal scientists who will visit major American production centers and attend the World Metallurgical Congress, November 2 to 8, 1957, under the sponsorship of the American Society for Metals. The President is authorized and requested, by proclamation, or in such manner as he may deem proper, to grant recognition to the World Metallurgical Congress and the American Society for Metals for its instigation and sponsorship of this second world gathering of metal scientists, calling upon officials and agencies of the Government to assist and cooperate with such Congress as occasion may warrant.

FEDERAL AID HIGHWAY ACT OF 1956

Mr. FALLON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FALLON. Mr. Speaker, last year the Congress approved the Federal-Aid Highway Act of 1956, which set in motion the greatest national highway program in our history. It included the con-

struction by the States of 41,000 miles of modern-design interstate defense expressways plus an accelerated building of State primary roads, secondary farm-to-market roads, and city streets.

This enormous Federal aid highway program is off to a good start. During its first 12 months, construction volume, apart from engineering, rights-of-way, and other costs, exceeded $2½ billion.

To help finance Federal participation in the program, Congress levied new taxes on highway users and increased some of the existing taxes.

Under title II of the act, which is known as the Highway Revenue Act of 1956, Congress also wisely created a highway trust fund in the Treasury Department which would serve as a repository for revenues from these taxes, and spelled out carefully the purposes for which trust fund moneys might be used. Specifically, the Highway Revenue Act of 1956 provides that these trust fund moneys are to be used as an aid to the States in the roadbuilding program. Logically, it also provides that the funds may be used by the Bureau of Public Roads of the Commerce Department, the administering agency for the Federal Aid Highway Act of 1956, in its operation of the program.

When this act was drawn up the Ways and Means and Public Works Committees were satisfied, and I believe most Members of the House were satisfied, that a sound legal guard had been placed around the trust fund so that its moneys coming from the pockets of highway users could not be diverted for nonhighway building purposes. This was the intent of the framers of the act and this was the intent of the House when it passed this act.

Last year, due to the fact that the Highway Act was approved after appropriations were made for the fiscal year 1957 for the Department of Labor, a presumably temporary provision was made, through a supplemental appropriation, to provide funds for the Labor Department to enable it to administer the Davis-Bacon section of the Federal Aid Highway Act. This section covers the payment of prevailing wages on Federal aid highway projects. Under this stopgap authority, the Labor Department withdrew $160,000 last year from the trust fund to administer the prevailing wage provision.

There was no general objection to the procedure. I supported the Davis-Bacon provision, and I certainly favored supplying the Department of Labor with necessary funds for adequate administration. However, it was not in my mind, nor do I believe that it was in the minds of the Members of the House, that we were establishing a precedent for a continuing diversion from the trust fund for non-road-building purposes when we enacted the supplemental appropriation. I assumed that this year the Labor Department would obtain funds to administer the Davis-Bacon section of the act in the regular way, through the regular departmental appropriation act.

I was, therefore, astonished when the Labor Department came back this year seeking another diversion from the trust fund, this time for $365,000. They supported this request with an opinion of the Comptroller General, as well as an opinion of the Solicitor of the Department of Labor, that Congress had, indeed, set a precedent for such diversion. Not only that, the Labor Department, backed by the Bureau of the Budget, was eager to take advantage of the precedent.

What the Labor Department has done, as a matter of fact, is to seize the opportunity to crawl through a legal loophole.

I think that this loophole ought to be closed tightly and that neither the Labor Department nor any other agency, except the Bureau of Public Roads, should have access to the motorists' and truckers' tax moneys held in trust for roadbuilding purposes.

Accordingly, Mr. Speaker, I am today introducing a bill that I believe will effectively preclude raids of this kind on the trust fund.

Let me make it clear again that I favor the prevailing wage provision and I favor adequate appropriations for its full administration. However, I strongly oppose using money from the highway trust fund to finance this activity. This money should be used only for the purpose Congress intended it to be used for, and that is why I am introducing this bill today.

FEDERAL POWER COMMISSION

Mrs. KEE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

Mrs. KEE. Mr. Speaker, in recent weeks I have had considerable correspondence and many personal discussions regarding my remarks to the House on June 3. At that time I pointed out that the Federal Power Commission will be acting in the best interests of the people of the United States if it refuses to approve the applications for the importation of natural gas from the Dominion of Canada.

I should like to reiterate that any other decision on the part of the Commission would be cruel and inhumane so far as coal and railroad communities of West Virginia and adjacent States are concerned. I have learned that the jobs of lignite miners in North Dakota are also at stake in this issue, and I am taking it upon myself to speak in behalf of those men and their wives and children who would be subjected to the indignity of unnecessary unemployment if foreign gas were to displace the fuel which they produce.

Theoretically, the idea of opening America's markets to our friends and neighbors outside our borders is most appealing. I am hopeful that international commerce will eventually be conducted without any tariffs, quotas, or other restrictions of any kind. To suppose that such a program can be put into effect overnight—or even in a period of years—is, however, complete folly.

Mr. Speaker, America must proceed cautiously in opening its markets to a new influx of foreign products. West Virginia has experienced sufferings bred by unwise policies that admit alien goods in such quantities as to dislocate home industries. Our coal mines have been gutted by excessive shipments of foreign residual oil. Our glass and pottery plants have toppled on the brink of bankruptcy because competing goods, produced in lands where wages and living standards are far below those enjoyed by Americans, have been permitted to flow too freely onto our shores.

Canadian gas presents equally disturbing probabilities Produced with very little labor cost, it can be dumped, if necessary, into a foreign market in order to build a consumer load. Having displaced domestic fuels and being directly responsible for laying off of thousands of lignite and bituminous coal miners, natural gas from Canada could then be priced indiscriminately by producers and/or other interested parties along the line

Benjamin Disraeli, Prime Minister of England, once wrote that "free trade is not a principle, it is an expedient." That interpretation of the phrase has been accepted literally and practiced by nations throughout the world, save for the more credulous members of the United States executive department who are intent upon laying our markets open to invasion of foreign products without regard to the impact of our own economy.

Mr. Speaker, when other countries realize that imports are destructive to their economy, they quite naturally take steps to correct the situation. For instance, France recently announced the banning of imports except under a special license. Great Britain, which has always advocated that the United States lower tariffs and provide leadership in the move toward freer trade, exercises due consideration for her own factories. If, for instance, a resident of England wishes to buy an American made automobile, he must go to his bank and have his sterling converted into dollars. If there is an abundance of British cars of a competitive rank on the market, the purchaser is merely refused dollars; thus he will have to buy a British product if he wants a new auto.

Canada, too, has a realistic foreign trade policy. As for imported coal from the United States, the Canadian Government collects 50 cents on every ton that crosses the border.

A sensible approach to the problem of international commerce is mandatory Mr. Speaker, if the framework of our domestic economy is to remain strong. America must revise whatever of its policies are contrary to the public welfare. In the matter of Canadian gas, it would be an injustice to our own people to accede to the proposals presently before the Federal Power Commission.

WALDO LAKE TUNNEL

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, I have today filed a bill to rescind the authorization for the Waldo Lake Tunnel and regulating works on the Willamette River, in Oregon.

Waldo Lake, 5,500-acre wilderness gem that is perched astride the Cascade skyline in Lane County, should remain untapped by the Army engineers who have signified their agreement to dropping Waldo Lake from their comprehensive plans for the Willamette Basin project, in view of the great public sentiment in this area for protection of this little lake in its natural state.

Under the present Willamette Basin project plan, Waldo Lake would have been drawn down 40 feet to gain an additional 220,000 acre-feet of water in low-water years. It would take about 10 years for the lake to refill again to its normal level.

I should like to note that Waldo Lake is unique for its size in that it has no single permanent tributary stream and an extremely limited watershed that sends just spring snow melt into the lake.

Waldo's waters are as clear as those of famed Clear Lake on the upper McKenzie River in my Fourth Congressional District. On calm days every detail of the bottom can be seen to great depths. It is readily apparent that recreation and fishing are the highest beneficial uses of Waldo.

I should also like to note that Mr. Henry Stewart, of the Portland branch of the Army engineers, has stated that benefits from use of Waldo water, calculated at $52,000 a year, only matched annual costs of maintaining the project, also $52,000. To build a diversion canal from Waldo Lake in Black Creek Canyon would cost $922,000 under recent revised estimates.

During a recent discussion on the highest and best use of Waldo Lake, held in Lane County Courthouse in March, many organizations and interested individuals were given an opportunity to express themselves on this proposal.

Mr. Lee Murphy, of Junction City, chairman of the Lane County Parks and Recreation Commission was moderator. Five speakers, representing county parks, United States Forest Service, United States Army Corps of Engineers, State game commission, and Oregon Water Resources Board, took part.

The general consensus was expressed by Mr. Charles Campbell, of the State game commission, which does not favor use of Waldo as a source of irrigation to central Oregon or as a means of maintaining flow in the Willamette in low-water years. He observed that the lake "is not getting anywhere near the fishing use it could stand" and emphasized its recreational value.

Campbell said:

> There are many coves, bays, beaches, making it ideal for camping, fishing, and boating. There are rainbow and eastern brook trout up to 8 or 9 pounds. Several hundred thousand to a million fingerling fish are planted each year. There are a few trash fish but no danger of them taking over.

The Lane County Chamber of Commerce is unanimous in its approval to save the Waldo Lake area for recreation. This proposal to spare this highly scenic body of water, which is also the largest natural lake in Lane County, is also backed by the Eugene Chapter of the Izaak Walton League of America, Inc., and many other worthy organizations.

Brig. Gen. J. L. Person, Assistant Chief of Engineers for Civil Works, has observed in reply to my query—

> Based on available information, this project lacks economic justification under present-day conditions.
>
> A tunnel was built at this location in 1914 by private interests under a Forest Service permit to draw water from the lake for power and to irrigate lands in the Eugene-Springfield area. The project was not completed, and the tunnel and control works have deteriorated until ultimate failure may be a possibility. The Forest Service permit has been canceled and the tunnel has reverted to Government ownership. It is understood that the Forest Service is now considering possible action to forestall involuntary drawdown should the tunnel or control works fail.

I should also like to note that a survey shows it is feasible to put in a road from Highway 58 via Gold Lake to provide even greater recreational development.

In the words of the esteemed Dr. Karl Onthank, president of the Federation of Western Outdoor Clubs:

> I know of no wilderness area anywhere which could be made so readily accessible for the enjoyment of people who cannot or do not care to walk or ride horseback, at so little cost for development and in terms of area reserved, since the lake watershed is as you know very small, it would seem premature to spend much money on this otherwise.

SAVE OUR AMERICAN AVIATION INDUSTRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. JARMAN] is recognized for 30 minutes.

Mr. JARMAN. Mr. Speaker, there has just been introduced in this body a piece of legislation proposed by the gentleman from Arkansas, the distinguished chairman of the Interstate and Foreign Commerce Committee.

This bill is numbered H. R. 8538, and it is my earnest hope that our committee and this entire body will rapidly pass this bill in order that our civil aviation industry can be saved from a course which can only lead to disaster.

This may seem like strong language, and it is intended to be. Some brake must be placed upon the giveaway program which the State Department has been practicing with irresponsible abandon for the past couple of years. Speedy passage of this legislation will establish a sound policy for the conduct of foreign air transportation by foreign carriers. It will also provide a method by which the Civil Aeronautics Board will be called upon to make a report to the President and to the Congress on the fulfillment of that policy.

Mr. Speaker, I first indicated concern last March when the State Department was negotiating with the Netherlands Government over bilateral air agreements.

Despite the numerous and persuasive challenges which were made to the policy being pursued in the negotiations with the Netherlands, the Department of State went ahead and seems determined now to continue in a series of air-transport negotiations with other countries. I am disturbed that the policy which may be followed in these negotiations will be as harmful as that pursued with the Dutch. My apprehension in this regard is strengthened by reading an address by Assistant Secretary of State Kalijarvi given before the International Management Association on May 23.

In that address Mr. Kalijarvi undertook to defend the policy pursued by the Department of State in international civil aviation matters. He illustrates his thesis by a defense of the agreements negotiated with West Germany and the Netherlands. Mr. Kalijarvi's defense was not persuasive to me, and I continue to share the critical views of our distinguished colleagues in the Senate Interstate and Foreign Commerce Committee with respect to both these agreements. I should like to suggest to the Department of State that the policy guidelines of that committee's report on international air agreements from a sounder basis for the conduct of the international air transport policy of the United States than do the empty and unsound generalizations of Mr. Kalijarvi's address.

When the senior Senator from Washington recently appointed a subcommittee of the Interstate and Foreign Commerce Committee to consider the broad question of the increasing number of requests for United States domestic air routes by foreign carriers, he noted that something on the order of 11 nations were now standing in line for United States air routes. One of these nations was Australia.

At the present time the United States has a route to Sydney, and Australia has a route to San Francisco. The economic value of this route exchange is in reasonable balance. The Australians, however, were not satisfied. They sought far more in the way of routes than they could give; but the bountiful Mr. Kalijarvi and his associates in the Department of State are going to see to it that the Australians are kept happy.

Despite the fact that one of our large transcontinental and transatlantic carriers lost millions of dollars in 1956, Qantas, the Australian airline, is about to be given a route from San Francisco to New York and tap at that point the great transatlantic market between New York and Europe.

Mr. Speaker, I have felt and I still feel that the United States market belongs primarily to the United States carriers. I see no reason why the United States should grant to the Government of Australia the right to fly across this continent and on to Europe. And what was offered by Australia to balance the magnitude of such a grant? A route beyond Australia to the South Pole was one thing: a route to Penguin Land. An-

other was a route 7,000 miles beyond Australia across the Indian Ocean to South Africa. The Australians operate one round trip fortnightly to serve this tremendous traffic flow. Then there was a route beyond Australia duplicating their route to Singapore and the Middle East to London. I would call your attention to the fact that the market demand here is met by the operation of only 8 round trips a week, whereas the United States-Europe market into which Australia sought entry calls for the operation of nearly 200 round trips a week. In addition, the implementation of this route from Australia through Singapore and the Middle East to London would require the permission of a number of other countries. There is no assurance that these necessary permissions could be obtained except after years of negotiation with those countries.

A similar situation exists with respect to still another of the routes which Australia offered to the United States—the right to fly across the Tasman Sea between Auckland and Sydney. While this right is to be given by Australia, New Zealand's Civil Aviation Minister Shand, according to press reports, stated in Wellington on June 27, that it was inconceivable that the Australian Government had granted such traffic rights to a United States carrier. Much opposition exists in New Zealand to this grant, and from present reports there would appear to be little likelihood that this could be implemented by securing the necessary rights from that country. Certainly, the least which the Department of State could do in this instance would be to secure from New Zealand the right necessary to permit the implementation of this route before the agreement with Australia was finalized.

These were only a few of the considerations which argued so persuasively against any further route grant to Australia. And yet the request which Australia made for further air rights from the United States was not refused.

I have seen press reports that Belgium and Switzerland have it in mind to ask for additional air rights from the United States. The report with respect to Belgium stated that the Department of State had already agreed to grant such rights. I hope that this is not true. I see no need to grant to either of these countries, who already have profitable route exchanges with the United States, any additional rights.

I make these statements with the greatest of friendship and respect for these countries and others who may have in mind to seek additional rights from the United States. The fact that the United States should find it necessary to refuse these requests should not be interpreted by these countries as an unfriendly act.

This Government, Mr. Speaker, simply must not pursue a policy which says, in effect, that any country may have for the asking or demanding any right which it seeks from the United States. The pursuit of such a policy would be disastrous to the economic strength of the United States international air transportation system, and would have serious effects upon the reserves of aircraft for defense purposes which exist in our commercial fleet and upon American labor. We have already gone too far in this direction. These are factors as worthy of consideration and as important for our friends as they are for ourselves.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield.

Mr. BOW. Mr. Speaker, I am delighted that the distinguished gentleman from Oklahoma [Mr. JARMAN] has so clearly and distinctly brought to the attention of the House the importance of proper recognition of American-flag airlines in world commerce.

I have addressed the House on the same subject twice recently.

The distinguished gentleman from Georgia [Mr. PRESTON], chairman of the subcommittee for the Department of Commerce appropriations, on which subcommittee I have the honor to serve, has devoted his efforts to the reduction of airlines subsidies. I am sure his efforts have the approval of the House and of the Nation.

It is, therefore, difficult to understand why the Department of State continues to grant foreign carriers preferred treatment while they fail to secure small concessions to American-flag carriers—unimportant so far as competing foreign lines are concerned but important to the financial stability of American lines and American taxpayers—for, unless the concessions are realized, American taxpayers may again be called upon to again subsidize some of the American-flag carriers in worldwide competition.

I have today been studying the Mutual Security Act—billions of dollars going to stabilize foreign nations—this we have been doing for years. Believe me, Mr. Speaker, many of these dollars now, and in the past, have gone directly or indirectly, to the financing or subsidizing of these foreign lines.

Trans World Airlines, one of the outstanding American lines, is subsidy free both in their domestic and overseas operations. They are to be commended. They have in the past and are continuing, as have other American lines, to furnish world travelers with the finest equipment and trained personnel available. In 1956 this company lost $700,000 in its international service. I am advised this loss would not have occurred if the British would have authorized operation between Frankfurt in Germany and Zurich in Switzerland as authorized by the American Government.

Here are the facts, Mr. Speaker:

First. In 1950 the Civil Aeronautics Board, with Presidential approval, granted TWA a route to Europe via London.

Second. This route through London had a dead end at Frankfurt, Germany.

Third. TWA had operated and still operates another route to Europe through Paris, Zurich, Rome, Athens, and the Middle East to India.

Fourth. In April 1955 the Civil Aeronautics Board authorized TWA to link up the route over London and Frankfurt with its main line route through France, Switzerland, Italy, and on to India.

Fifth. This integration involves operation between Frankfurt and Zurich, a distance of less than 200 miles.

Sixth. The British have refused an amendment to the bilateral air transport agreement between the United States and the United Kingdom that would implement the route integration described above. The United States has tried without success on three occasions in the past year to secure this amendment.

This handicap gives the British airlines and other foreign airlines a serious competitive advantage as they can offer more attractive routings than can TWA to the American tourist market. It also imposes extra and unnecessary operating expense on TWA.

American citizens wishing to make a circle tour of Europe over London or to stop over in London on their way to Italy, for example, cannot use TWA for their journey. They must be turned over to foreign carriers at London or Frankfurt.

But, Mr. Speaker, our State Department has failed to secure permission to cover this short distance of 178 miles, while they have been giving away thousands of miles of airspace for the British, or competitors of the American flag lines.

Mr. Speaker, when will Americans and American interests be given the same consideration as is given to those we have helped in the past with programs in aid. We must protect our interest if we are to maintain the American flag in the airways of the world.

I join with the gentleman from Oklahoma in his concern and urge that careful and serious consideration be given to the bill introduced by the distinguished chairman of the Interstate and Foreign Commerce Committee. The bill is H. R. 8538.

Mr. JARMAN. I thank the gentleman from Ohio for his able contribution.

Mr. PRESTON. Mr. Speaker, will the gentleman yield?

Mr. JARMAN. I yield to the gentleman from Georgia.

Mr. PRESTON. Mr. Speaker, I want to join with enthusiasm the philosophy being expressed here today by the gentleman from Oklahoma.

Within the House Appropriations Subcommittee, for the past several years, we have worked conscientiously and industriously to bring about a gradual but noticeable reduction in subsidy payments to scheduled airlines. This has not been easy because it has been necessary for us to make various considerations for recommending funds to be allocated to the Civil Aeronautics Board for the purpose of paying subsidies.

Mr. Speaker, I believe that the airlines themselves much prefer to be off subsidy. Virtually all of our international and trunkline carriers are now receiving no subsidy from the Civil Aeronautics Board. Only the local service carriers and helicopter operators are still dependent upon the Government for subsidy support.

If, Mr. Speaker, this policy of our State Department to give away choice United States routes for virtually nothing in return continues unimpeded, it can only mean that carriers now off subsidy can

be expected to apply for Federal assistance. And in view of the State Department's attitude, it will be extremely difficult for the Civil Aeronautics Board to justifiably turn down these requests.

I join with the gentleman from Oklahoma in the wish that this legislation is enacted promptly in order that our airline carriers can enjoy the full measure of independent prosperity they so richly deserve.

Mr. Speaker, I want to express my appreciation to the gentleman from Ohio [Mr. Bow] for the comments he just made concerning the activities of our subcommittee in the field of trying to reduce subsidies, and I want to concur in the comments that the gentleman from Oklahoma [Mr. JARMAN], has made. This is a rather serious matter. We have been highly criticized in this country for subsidizing airlines and sometimes subsidizing shipping, but we have long since realized the essentiality of maintaining our international carriers for what they mean to us, to this Nation. Now, TWA was the first carrier to go off subsidy. Pan-American is off. The only two international carriers remaining are Braniff and Panagra in the South American run, and they have stiff competition in the form of Latin American carriers which are subsidized by their governments. Consequently, it is more difficult to make a profit on these runs to South America.

The situation the gentleman from Ohio, [Mr. Bow], alluded to about the route from Frankfurt to Zurich poses a serious problem to us. The attitude of the British could conceivably cost us $700,000 if this carrier's operations are such that they will go into the red again. And, if we start paying subsidies, it is the taxpayers that will have to stand the burden. So, I hope the State Department will stiffen their spine and give consideration to American business first and then the foreign international carriers second. One by one they are granting these licenses to foreign carriers to come in and compete. We have two schedules now going to Europe from New York. The competition is so keen that finally our American carriers are going to go back into the red, and once again subsidies will have to be paid by the taxpayers of this country. So, I think it is very important and very timely in what the gentleman from Oklahoma is doing today in calling this to the attention of the House.

Mr. BOW. Mr. Speaker, will the gentleman yield further?

Mr. JARMAN. I yield.

Mr. BOW. I should like to point out to the gentleman from Oklahoma, as well as my distinguished chairman on the subcommittee, it has just come to my attention that through our mutual-security program and ICA and these other aids that we give to foreign nations we are bringing people into this country with our counterpart funds, funds which we have generated out of the American taxpayers' pockets. How are they coming? Not on American lines, but they are coming into this country on foreign lines. In other words, here we have a threat again of the possibility of sudsidies because they will not grant us this 178 miles. But, still, when we bring these people over here, instead of using counterpart funds to use passage on American-flag lines, we are buying passage on these competing lines. I think it is about time we began to look after America and American interests.

Mr. JARMAN. I thank the gentleman. I would not want to let this opportunity pass without paying a word of special tribute to the gentleman from Georgia [Mr. PRESTON] and the gentleman from Ohio [Mr. Bow] for their very effective work that their subcommittee is doing in this field. I am grateful to both of them today for their very able contribution to the general subject that I have had under consideration.

Mr. Speaker, when I began this talk I referred to Mr. Kalijarvi's speech of May 23. That speech is full of many things deserving of the most caustic comment, not the least of which is the implication that we should do all in our power to keep the government-owned foreign airlines happy in order that they will continue to purchase American made transport planes. Let me point out, Mr. Speaker, that the money to purchase these American made planes for the most part comes from the pockets of American taxpayers in the form of American aid grants to our friendly neighbors across the oceans. Service on the House Foreign Affairs Committee in 1955 and 1956 brought this point forcefully home to me.

Mr. Kalijarvi apparently is not aware that the Vicker Viscount, the Bristol Britannia, the French Caravelle, and the New DeHavilland Comet are rapidly taking their place in the skies of the world alongside the finest transports that can be made in this country.

Mr. Kalijarvi also failed to advise his listeners on May 23 that wages paid to skilled technicians on foreign airlines are sometimes less than half paid for similar services by United States-flag carriers.

Mr. Kalijarvi also neglected to emphasize to his audience that organized labor is militantly opposed to this giveaway policy practiced by the State Department and will enthusiastically support the legislation proposed by Mr. Harris when hearings are held.

Mr. Kalijarvi should be told right now that this reckless policy of international largess, to the detriment of our own airlines, must cease immediately. We must guard against a wholesale raid on our airline route structure.

Mr. Speaker, this body has done fine work in the past few years in gradually reducing subsidy payments to the airlines. The appropriations subcommittee of which the distinguished gentleman from Georgia is chairman has questioned the Civil Aeronautics Board closely about each item of subsidy appropriations. If we do not want to see airline subsidies in astronomical figures once more, we had better do something fast to curb Mr. Kalijarvi and his enthusiastic free giving.

I earnestly solicit the help of every Member of this body in promptly considering and passing the excellent legislation prepared by Mr. HARRIS.

GENERAL IMPORT QUOTA BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, the chairman of the House Committee on Ways and Means has received another reply on the general import quota bill, usually referred to as the Lanham bill, from one of the executive agencies of the Government. This time the report comes from the Bureau of the Budget of the Executive Office of the President.

The letter is as follows:

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., June 4, 1957.

Hon. JERE COOPER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in reply to your request of March 25, 1957, for the views of the Bureau on H. R. 2776, a bill "To regulate the foreign commerce of the United States by establishing import quotas under specified conditions, and for other purposes."

This bill would establish a complex system of arithmetical formulas under which virtually any increase in imports relative to domestic production of competitive products, or virtually and existing level of imports supplying more than one-third of United States consumption, would create a presumption of injury to the domestic industry. Unless a majority of the Tariff Commission found that the facts as presented in public hearing successfully rebutted the presumption, the Commission would be required to apply a tariff quota or an absolute quota on imports, in accordance with formulas contained in the bill. These quotas, as determined by the Commission, would become law without further review or action by the President.

This bill rests on the presumption that any relative increase or relatively high level of imports displaces United States production and is injurious. No consideration of other aspects of imports is evident in the formulas in the bill, nor permitted in establishing the quotas directed by it. These broader considerations include the role of imports in supplying United States industry with products which are available from domestic sources in insufficient quantity or at an uneconomic cost, in broadening the choice available to American consumers, in providing the vast bulk of the dollars which foreigners use to purchase American exports, and in nourishing the economic health of countries where a major decline in growth and stability would impair the security and welfare of the United States.

The Bureau is convinced that these considerations are generally controlling, that a substantial increase in imports generally reflects, rather than undermines, the growth of this country, and that cases of injury due to increased imports are relatively rare and are covered by existing legislation and procedures. This conviction is reflected in the reciprocal trade agreements program, the United States commitments in the GATT (General Agreement on Tariffs and Trade), the administration's sponsorship of the Organization for Trade Cooperation, and the

President's repeated emphasis on the desirability of expanded international trade.

It is doubtful whether implementation of this act would lead to either the stabilization of imports under conditions of fair competition, the expansion of foreign trade, or a rising standard of living abroad, all of which are among its declared purposes. This is due to the inherent tendency of formulas resting on a historical base, such as those presented in this law to freeze trade in established patterns, preventing or warping the growth of new enterprise, domestic as well as foreign. This requires extensive governmental administrative interference with business transactions, on a peculiarly rigid and arbitrary basis, inviting evasion and undue pressure. The result is inevitably to reduce trade in amount and kind below that needed for the purposes mentioned.

In addition to the doubt that this proposal would achieve its own stated purpose, trade and tariff questions can only properly be decided in a broad context of policy considerations. This makes one aspect of this bill particularly unfortunate. This is the fact that the bill would remove from the President his review of Tariff Commission findings in injury cases. The Commission's findings are properly and necessarily based on the economic criteria set out in law by the Congress. However, an action to change the customs treatment of an import, especially the imposition of a quota, may have effects which are beyond the scope of such criteria and the Commission's responsibility. These effects may bring the Commission's proposal into conflict with the best interests of the country. The terms on which we are willing to trade with other nations are important to American consumers and producers. They are also important indirectly to the security and welfare of the country through their impact on the economic progress and political stability of our allies and friends abroad. And delegation of final control in this field to an agency bound to operate on restricted economic criteria would seriously undermine the President's ability to fulfill his responsibility for the security and welfare of the Nation.

For the above reasons as well as for those cited by the Departments of State, Treasury, Commerce, Agriculture, and Labor, the Bureau of the Budget strongly recommends against favorable consideration of this bill, enactment of which would not be in accord with the program of the President.

Sincerely yours,

PERCIVAL F. BRUNDAGE,
Director.

The Budget Bureau's reply reflects a more careful study of the general import quota bill than did the replies of either the Department of State or of Commerce upon which other members and I commented on this floor on June 3, 1957. Nevertheless, the Bureau's reply leaves much to be desired. I do not refer to the fact that the reply was unfavorable. That was as certain as night following day.

The report says that the bill rests on the presumption that any increase or relatively high level of imports displaces United States production and is injurious.

This is inaccurate. The bill does not presume that "any" increase in imports is injurious. It provides that if imports capture a specified increase in the share of the domestic market a presumption of injury would be created. This is no more than removing from the domestic producers the burden of proof or giving them the benefit of the doubt instead of resolving all doubts against them and in favor of foreign exporters as is now the case. Moreover, a presumption can be rebutted. Thus, if a majority of the Tariff Commission found that even though the upward trend of imports met the conditions specified in the bill, nevertheless no serious injury had resulted, no import quota of any kind would be established.

Nor does the bill presume that all increased imports necessarily displace domestic products. Only if such increased imports actually take a larger share of the market than formerly, i. e., outstrip domestic producers, would displacement be presumed. I see nothing wrong with that.

To make this point clear, let us assume that imports amounted to 100,000 units of a product while domestic production amounted to 900,000 units. Apparent consumption would then be 1 million units. The 100,000-unit imports would have represented 10 percent of the market.

Let us say now that imports went to 200,000 units but that the market also doubled. There would then be no relative increase in imports. They would still remain at 10 percent of the market. There would be no presumption of injury and no quota could be imposed even though imports had doubled.

On the other hand, assume that imports rose from 100,000 units to 500,000 while domestic consumption or the market expanded only to 1,400,000 units. This would mean that domestic production had stood still at 900,000 units while imports had expanded fivefold—a not unusual occurrence. In that case imports would have risen from supplying 10 percent of the market to supplying 35.7 percent of the market.

Such a condition would be regarded under the bill as creating a presumption of injury and unless it were rebutted the presumption would stand; and an import quota would be established by the Tariff Commission. This would be justified on the rebuttable assumption that such a sharp gain in imports was clear evidence of a sharp competitive advantage enjoyed by imports. If allowed to go on unimpeded such a competitive situation would spell ruin to the domestic producers. Evidently the tariff had been cut too sharply in a trade agreement. At the same time some of the foreign advantage might be the result of the installation of modern machinery and equipment in the factories located abroad, thus increasing productivity and giving competitive effect to the lower wages prevailing there.

In any case the quota that would be established would not stop the imports. They might, indeed, not be cut back at all or only moderately, so long as they did not supply over 25 percent of the market. A tariff quota rather than an absolute quota could then be imposed. Such a quota would allow imports close to or even slightly above the attained level to come in at the existing low-tariff rates. The higher tariff would apply only to imports in excess of that level.

If imports had reached a point where they supplied more than 25 percent of the market, a tighter quota might, but need not necessarily be established. An absolute quota could be imposed; but it would still be flexible. In the case of the last example given above, that is, where imports in the most recent year had risen to a point of supplying 35.7 percent of the market, an absolute quota could be set. It could be placed at a point somewhere between about 26 percent and 35.7 percent of the domestic market, at the discretion of the Tariff Commission.

But while in this case the Commission might choose a tariff quota instead of an absolute quota, let us assume that it selected an absolute quota. This might well be set at 30 percent of domestic consumption, that is, a cutback from 35.7 percent.

If now the domestic market itself expanded by 25 percent, imports could expand by 25 percent. They would not be absorbing a higher share of the market than before. Of course, if the domestic market should shrink by 25 percent or some other considerable margin, imports would be cut back in proportion. This would be done to prevent imports from nullifying the efforts of the domestic industry to correct a surplus situation. If imports could continue to come in without a letup while domestic producers were laying off workers or putting them on a short workweek in order to prevent a heavy surplus from building up, it would be like bailing out a leaking boat. Imports would simply take the place of the reduction in domestic output and thus cancel the efforts of the domestic industry to make an adjustment.

The Budget Bureau's letter refers to the inherent tendency of formulas resting on a historical base, such as those presented in this law to freeze trade in established patterns and says that they prevent or warp the growth of new enterprise, domestic as well as foreign.

Here it is apparent that the Bureau failed to study the bill fully. Specific provision is made in the bill to prevent such freezing of existing patterns. Section 11 (i) provides:

> Any absolute quota established under this act may be converted into a tariff quota in accordance with the provisions of this act if after investigation and hearing * * * the Tariff Commission finds that such conversion is justified by economic developments and to avoid freezing a particular pattern of import competition and domestic production.

A tariff quota, it should be noted, is no more restrictive than a tariff rate alone. The section quoted provides for the substitution of a tariff quota for an absolute quota in order to avoid freezing a particular competitive pattern.

Other provisions of the bill would also assure flexibility and avoidance of the kind of rigidity that the Budget Bureau by its attitude properly condemns.

Another indication of a failure properly to study the bill is found in the Bureau's observation that—

> These broader considerations include the role of imports in supplying United States industry with products which are available from domestic sources in insufficient quantity or at an uneconomic cost.

The Bureau stated that no consideration had been given in the bill to these

broader aspects. I shall refer to section 11 (i) (1), which provides:

If upon application of interested parties and after hearings as prescribed in this act, the Tariff Commission should find by a majority vote of the members participating that any absolute import quota established under this act is unduly restrictive and that the domestic market could readily absorb a greater volume of imports of such product without causing or threatening serious injury to the domestic producers of the like or directly competitive product * * * the Commission shall increase such absolute quota.

Also pertinent and more to the point is subsection (i) of section 11. It provides that in determining whether an absolute quota should be converted into a tariff quota the Tariff Commission shall take account of technological developments, trends in domestic production and consumption "and, in the case of a raw material or primary product under an absolute quota limitation in pursuance of this act, serious failure of the domestic producers thereof to keep pace with requirements of the manufacturers of the products in which such raw material or primary product is normally used."

These quotations from the bill show clearly that adequate provision has been made to avoid the very result complained of by the Bureau of the Budget.

The report makes other attacks on the bill. It questions whether implementation of the bill would lead to either stabilization of imports under conditions of fair competition, the expansion of foreign trade, or a rising standard of living abroad, all of which are among its declared purposes.

The bill is designed specifically to prevent disruption of the domestic market by regularizing imports without freezing them or severely reducing them. This is the very essence of stabilization. Without such regulation imports often vary greatly from year to year, thus causing uncertainty, confusion, and fear. Without a ceiling, the threat of increasing imports produces fears that put a damper on plant expansion, capital investment, and similar developments that go hand in hand with confidence.

The establishment of a ceiling over imports therefore provides release from such fears and thus promotes economic expansion and a more lively business atmosphere. In helping the domestic economy to a higher activity an import quota system would stimulate foreign trade. That this is not a contradiction in terms follows from the fact that a relatively small volume of cheap imports, offered at low prices, can and often does wreak havoc out of all proportion to the quantities involved. This is because the threat is wide open, unimpeded, and ever present. Domestic industry pulls in its horns. It lays off workers instead of hiring them. It shortens the workweek instead of paying overtime. It cancels or fails to make plans for greater sales.

Limit the imports and the imminence of disaster lifts. The air is cleared, and normal business planning can be resumed. Optimism is free to replace pessimism and uncertainty. Under such circumstances imports can expand without bringing with them the train of forebodings and paralyzing fears that run rampant with unlimited import competition.

Following these objections the Bureau finally comes to the real issue. This is executive control. The report says that the bill is particularly unfortunate in one aspect:

This is the fact that the bill would remove from the President his review of Tariff Commission findings in injury cases.

Here the complaint is on all fours with one of the State Department's objections. This was as follows:

This Department believes that the President alone is in a position to weigh the various considerations of domestic and foreign policy which should be taken into account before any measure, potentially as far-reaching in its impact on our foreign relations as an import quota, is established.

This is a quotation from the State Department's report on the Lanham bill dated April 8, 1957.

The Bureau of the Budget has more to say on the subject. It continues:

The Commission's findings are properly and necessarily based on the economic criteria set out in the law by Congress. However, an action to change the customs treatment of an import, especially the imposition of a quota, may have effects which are beyond the scope of such criteria and the Commission's responsibility.

The Commission's proposal might thus come into conflict with the best interests of this country.

These expressions from the State Department and the Bureau of the Budget put the Congress into a small corner. They assume that the Congress as represented by the Tariff Commission may indeed deal with certain of the smaller and more harmless aspects of the case, but that thereafter the Executive must have the final word.

It is upon this ground precisely that the President has so consistently overruled the Tariff Commission in escape-clause cases. In case after case, the President, after receiving the findings and recommendations of the Commission, has gone outside for new evidence and has brought to bear extraneous considerations.

The effect has been that Congress has regulated our foreign commerce to the water's edge, so to speak. Beyond that the President has taken over.

The Constitution says nothing about Congressional sharing of its responsibility in the regulation of foreign commerce with the President. Much less does it say that beyond a certain point the President is to supersede the Congress. This idea is something that has sprung up in the minds of the executive department officials, trying hard to cling to their usurped powers as the only remaining hope of making their free-trade policies stick.

This is all the more reason why Congress should break the Executive veto. The foreign-trade policy of this country is something for Congress to determine. Foreign commerce is not divisible into 2 parts, 1 part to be regulated by Congress and the other part by the executive branch. Had the Constitution makers intended that Congress be limited in its regulation of commerce to the part that flows among the States, they could easily have said so; but they did not say so. They did indeed give such power to Congress. Interstate commerce is an unquestioned province of the Congress. But in no less unabridged form the Constitution placed the regulation of foreign commerce under Congress. That meant all of it; not the lesser part or the part that is of lesser importance.

This is a fact that the State Department no less than the Budget Bureau try hard to forget. They attempt one way or another to read the President into sharing the Congressional function of regulating our foreign commerce; indeed they seek to throw to him the lion's share.

How do they accomplish this?

In the case of the escape clause, under which Congress established certain criteria for the guidance of the Tariff Commission, the State Department, now echoed in its report by the Bureau of the Budget, injects the President through an artful maneuver upon the scene where his presence is neither intended by the Constitution nor called for by the law.

The door through which they have pushed two successive Presidents since 1951, when Congress first passed the escape-clause amendment, is in the form of the word "may" in place of the mandatory "shall." The law says—section 7 (c), Trade Agreements Extension Act of 1951:

Upon receipt of the Tariff Commission's report of its investigation and hearings, the President may make such adjustments in the rates of duty, impose such quotas, or make such other modifications as are found and reported by the Commission to be necessary to prevent or remedy serious injury to the respective domestic industry.

This permissive phraseology has been interpreted as presenting the President with a hunting license to go into the byways to find outlying and unchallengeable reasons for refusing to accept the Tariff Commission's recommendation that could not be utilized by the Commission itself in reaching a decision.

Not only is this odd procedure, indeed; it cuts the Commission's powers to ribbons. It leaves the Commission completely helpless and wholly at the mercy of the President—and since the Commission is an agency of Congress, it also means the circumvention of that branch of the Government.

Only the State Department, desperate to freeze its grip on foreign trade, could think up such a method of distorting the straightforward procedures that govern hearings, recommendations, and powers residing in the review process, and come up with an intrusive power of the President that could not otherwise be manufactured. Imagine a higher court, in reviewing the judgment of a lower court, concocting and running in new evidence at will; and overruling the lower court for reasons that the latter could not even consider. It is fantastic.

The State Department and others of the executive branch that have upheld the President's slaughter of the Tariff Commission have, in effect, thus amend-

ed the Constitution through their interpretation of the word "may" in the escape clause. They have converted a power of Congress, that is, the power to regulate foreign commerce, into a power of the Executive by riding roughshod over all logic, and over all regular and accepted procedure. They have put the President where he does not belong, through a process of interpretation that makes of a particular philosophy—in this case that of international free trade—an eternal commandment, with all the compulsion of fanaticism.

Justification comes easily then with abject acceptance of internationalism and the lubrication of international relations as the overriding consideration in all cases where internationalism conflicts with domestic considerations. Even then the infringement by the President upon the jurisdiction of Congress is an act that could be condoned only on the crude assumption that the end justifies the means. In other words, while this is an unconstitutional action, the considerations of foreign relations rise above the Constitution. That is all the justification the State Department and the Budget Bureau have to stand on when they say that the President alone can do so and so and that the Tariff Commission must necessarily take a back seat. Of course, such statements are nothing more nor less than bald assertions.

The Budget Bureau further assumes that only the President can interpret the best interests of the American consumer and producer. Having set up the President on the pinnacle in the regulation of foreign trade contrary to the Constitution it goes further and crowns him as the master also of the hither half of foreign commerce. It says:

> The terms on which we are willing to trade with other nations are important to American consumers and producers.

Presumably because the terms of our foreign trade are important neither the Congress nor the Tariff Commission is of sufficient stature to be entrusted with them. The President must therefore intervene.

We end up with the net result that not only must the Tariff Commission and the Congress be ruled out of the international aspects of our foreign trade but also out of the domestic aspects as well, because these are also important.

One thing is clear. Such reasoning does not reflect the confidence in Congress and the ability of our people to govern themselves that we try to sell to other peoples of the world. If self-government is as weak and so little to be trusted as the Budget Bureau's reflection of the State Department's view indicates, we should shut off the Voice of America or use it to tell the other countries of the world that we have been on the wrong track since 1787 when we set up a tripartite system of government. We should tell them to set up business under an overriding Executive because the Executive and not the representatives of the people knows best.

That is the import not only of the Budget Bureau's report on the Lanham General Import Quota bill but also that of the State Department's response.

The Executive attitude has made it very clear that the executive branch wants the Congress to stay out of the field of foreign commerce. Only in this way can the State Department and the free-trade internationalists generally write their own ticket.

DISARMAMENT 1957

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, never before in the history of the world has man's technological ingenuity brought him to the verge of his own destruction. We have now been in the nuclear age for 12 years. During these 12 years the destructive threat of the atom has grown from the relatively small explosion that occurred in Japan in 1945 to the huge, almost incomprehensible detonations that shook the Pacific several years ago. Today the people of the United States, indeed, all the people of the world, are confronted with the stark, fearsome fact that another war can destroy civilization. This prospect might not be so frightening if we were not faced with another disagreeable fact and that is that the nations of the world are divided into hostile blocs, one of which is impelled by the urge to win domination and control over the other. Both of these blocs are heavily armed and between them there are frictions and disputes that at any moment, by accident or by design, could cause an all-out war. The prevention of such a catastrophe is the most urgent problem of our time. It is doubly urgent because while only the United States and the U. S. S. R. now have relatively large stocks of nuclear and thermonuclear explosions and only one other country, Great Britain, is just entering the ranks of the hydrogen nations, there is a serious possibility that still other countries will soon fathom the secrets of the atom and achieve the means of making nuclear bombs. If this should occur and the number of countries capable of waging nuclear war should multiply, the dangers of an outbreak of hostilities would likewise be multiplied. The result could be a world in which even a dispute between two minor countries would threaten to set off a world conflagration. Consider for a moment the danger, the irresponsibility of a Nasser possessing atomic-hydrogen weapons.

The peoples of the Free World are profoundly aware of the perils we face. They know that if a nuclear attack should be launched, there is at the present time no military means of frustrating it. If the Red air fleet should send its long-range bombers against the United States or if the Red Navy should dispatch its hundreds of submarines to make a missile attack on the United States, certainly a large proportion of the attacking forces would get through. As military technology stands today, the science of the offense is greatly superior to that of the defense.

Not only would nuclear war itself bring widespread havoc, but even the preparations for such a war incur dread and suffering. The testing of nuclear and thermonuclear devices by American, Russian, and British scientists has spread a cloud of poisonous radioactive particles around the earth, and fallout has become one of the critical problems of our day. It is not my intention, at this time, to examine all of the technical details of the fallout problem. It is enough to say that it is a scientific problem that has grave and far-reaching political consequences. The man on the street in Asia, in Europe, and in the United States, has begun to fear that this mysterious thing called fallout is doing him serious and irreparable injury. He is beginning to fear that not only himself but his children through many future generations will be seriously harmed just by the preparations and tests that the nations of the world are making for atomic war. As a consequence, the public pressures to do something about ending this danger are mounting higher and higher.

Now, we who have studied this matter closely, know that these dangers are real. We also know that in some quarters there has been exaggeration of these perils. But what we do not know is exactly how much danger there is or exactly how far we can go in testing without doing unwarranted harm to the peoples of the world. It seems to me that it is a necessity of the highest priority for the United States Government to get to the root of this problem as soon as possible so that we can make rational decisions on the basis of complete and accurate knowledge. The Soviet Union is playing a propaganda game to the hilt in this question of testing. It is doing everything it can to blacken the United States and the other Western Powers in the eyes of the world for carrying on nuclear tests, while, at the same time of course, it goes right on following a similar policy itself. Unfortunately, because the propagandists in the Kremlin have chosen as one of their prime themes the question of atom tests, there has been some effort—which I am happy to notice has not gotten very far—to pin a Communist label on sincere and reponsible persons who are deeply troubled by this problem. This whole question is one that we must face squarely on its own merits, regardless of propaganda. Those who attempt to smear or to bear false witness in a problem of this gravity are truly enemies of peace and freedom.

It has also been a matter of concern to me that in some quarters there appear to be attempts to play politics with this problem of controlling the atom and instituting a system of arms limitations. I have no doubt that many persons in opposing disarmament are motivated by a genuine solicitude for the security and welfare of our country. They are genuinely skeptical of attempts to control the nuclear threat because they feel that such attempts might be dangerous or unworkable. I respect their opinions, but I do not respect such people when they try to discredit those who have opposite opinions and who are working so hard and seriously to find an exit out of the maze in which we find ourselves. I think that those American officials,

and particularly Mr. Harold Stassen, who have the responsibility for our negotiations on disarmament have been making a strong effort despite innumerable difficulties. They deserve all the support that we can give them at this critical juncture, and I do not believe that political rivalries and jealousies should be allowed to prejudice their work. We must look at this problem in terms of long-range objectives and consider the tremendous issues at stake. Factionalism on this subject is petty and out of place in the long-range aspects of the problem. Undue criticism and sniping at one part of the Government by another part is also hardly consonant with true statesmanship or genuine responsibility. This is one case in which men have got to pull together or disintegrate together.

SOVIET INTEREST

Within recent months a thin ray of light has penetrated into the thick darkness of this question of disarmament. It seems possible that the Soviet Union is now beginning to realize the full implications and the dimensions of the problem of which we in the Free World have so long been aware. We have heard reports that Marshal Zhukov, one of the highest military authorities in the Soviet Union, was commissioned to study the nuclear question and that he has impressed Soviet leaders with the fact that another world war would destroy not only the capitalist enemy but also the Communist homeland. It is now quite possible, some of our best experts believe, that the Soviet Union is willing to do something about curbing the atomic military threat to the world. American representatives in the United Nations subcommittee that has been meeting in London during recent months, seem to feel that a new spirit has entered into the statements of the Soviet diplomats. They feel that perhaps the prospects of some sort of agreement on disarmament are better than they have ever been before. I fully realize that the Soviet leaders know how to play on many propaganda keys and that this may be just a new chord in their repertoire. Nevertheless, this may be the opportune moment for which the Western nations have been patiently waiting these many years. The negotiations in London have now entered a crucial phase and I would like to avail myself of this occasion to review the question of disarmament as it now stands, the principal issues where we and the Communists agree and disagree, and what the prospects might be for a mutual understanding.

UNITED NATIONS DISARMAMENT NEGOTIATIONS

The record of disarmament negotiations in the United Nations has been long, and thus far, fruitless. For years the United States and other Western negotiators have patiently plodded ahead in spite of the most discouraging lack of cooperation from the representatives of the U. S. S. R. Again and again, the men of goodwill in the West painstakingly drew up plan after plan in an effort to dispel the menacing cloud overhanging the world, only to see them dashed into futility by the intransigence of the Kremlin.

The United Nations negotiations were characterized during most of the postwar period by efforts to put into operation total and comprehensive disarmament systems, providing for prohibition of the manufacture and use of fissionable materials for war purposes and for drastic cutbacks in military forces and armaments, all under elaborate international machinery of inspection and control. In all these years if any one issue can be singled out as having been of prime importance it was that of adequate inspection. The Western Powers quite properly insisted upon adequate methods of inspection as a safeguard against evasion of a disarmament agreement. If there were reliance on good faith alone, the Soviet Union could readily and secretly break its pledges behind the concealment of the Iron Curtain. The Soviet Union, while it made propaganda out of its pretended willingness to submit to adequate inspection, never really made any concessions that would have allowed Western penetration of the shroud of secrecy which it had thrown over its people and territory.

Within the past 2 or 3 years, however, disarmament negotiations have undergone a marked change, and, in my opinion, a change for the better. In the first place, both sides have all but abandoned, except as a theoretical long-range aim, the purpose of instituting now a comprehensive disarmament system. Today, the emphasis is being placed on partial first steps on the theory that these are more readily achievable and that they can lead to more important steps later on. The reason for this shift is a sort of mutual acknowledgment that differences are now too great and that it is futile to try to get agreement on a comprehensive plan at this time. Moreover, there is mutual recognition that it is not possible at this time to have an effective control system for completely outlawing nuclear materials for weapons purposes. For technical reasons it is at present impossible for an inspection system to detect all existing stocks of atomic materials.

In addition, evolving political conditions have encouraged a change. The United States has become increasingly anxious to make some kind of start toward a solution of the disarmament question as year by year the relentless atomic-energy production lines have added to the existing stockpiles of weapons materials. The world's growing concern over the problem of radiation and fallout from continuing weapon tests has also influenced American policymakers and impressed upon them the urgency of the problem. The proposal of the United States in 1955 for mutual aerial inspection—the open-skies plan—was a major effort to break the disarmament impasse by concentrating on the vital point of preventing surprise attack. While this was not a direct proposal for disarmament, its adoption would have had much of the same effect of a disarmament agreement, for it would have removed much of the surprise element from existing armed forces and armaments and would also have had the advantage of creating an atmosphere of cooperation and mutual confidence in which substantial disarmament might have become more feasible. But although the Soviet Union rejected this plan, the United States continued to chip away at the problem by offering to conclude agreements on partial steps that would drive an opening wedge into the hard wall of Soviet opposition.

The American and Soviet proposals and counterproposals have now developed into a tentative first step disarmament agreement which it is hoped can break the ice which has frozen negotiations for a dozen years. It would prepare the way for a later more comprehensive agreement.

As the issues now stand, both sides, although in some respects remarkably close together, are still separated by gulfs that might in the end prove unbridgeable. In any case, the Soviet Union has in the last few months dropped many of the cliches which have been the backbone of its proposals for years; has shown a more conciliatory attitude. They have now manifested a disposition to agree with certain western proposals which they have long cold-shouldered. The prospects, therefore, of an agreement appear brighter than before.

ANALYSIS OF PRESENT POSITIONS

The proposals of both sides are constantly evolving and, inasmuch as the negotiations of the U. N. Disarmament Subcommittee in London are under the injunction of privacy, indirect newspaper reports are often the only available sources of information. But as far as we can tell from published official statements and unofficial newspaper reports the positions of the two sides are now as follows:

In regard to fissionable materials, that is, materials for nuclear bombs, shells, and warheads, the United States is aiming at a ban on their future production under adequate international inspection. While an agreement of this type would still leave existing stockpiles untouched, it is the intention of the United States that eventually the nations should agree to make transfers from these stockpiles to peaceful uses. At present there is no foolproof means of inspecting existing stockpiles to make sure that all stocks are accounted for, but the hope is that some scientific breakthrough will eventually provide a key to this difficulty, that in the end all fissionable materials can be outlawed for belligerent purposes, and that effective ironclad controls can be placed over this prohibition. These latter, however, are goals for the distant future.

Right now the eyes of the world are focused on the question of banning nuclear tests. The American position on this appears to be that there should be no permanent ban on tests until there is an effective agreement for halting future production of fissionable material for war purposes. In regard to a temporary suspension of tests, however—and this is one of the acute points on which the current London negotiations appear to hinge—the United States appears willing to suspend tests for 10 months or a year, but not for the 2- or 3-

year period proposed a few weeks ago by the Communists.

One of the main reasons for American reluctance to accept the longer period suggested by the Kremlin is that if tests were suspended for a lengthy period there would be danger that our scientific organization and staff for atomic research and development might be undermined or dissipated. Incentive for continued research could be prejudiced if such research could not terminate in actual field tests. Many of the Government's atomic scientists might consider it more satisfactory careerwise to shift to other enterprises. Moreover, if tests were banned for a long period, some of our military leaders fear that public interest in continued atomic development might wane and support for the nuclear weapons program might diminish. The Soviet Union, as a totalitarian state with directed employment, does not have to concern itself with public opinion. The result could be that, if the ban on tests were lifted at the end of the temporary suspension period or if the Soviet Union should suddenly choose to ignore the ban, we could find that the whole experiment had ended in a net advantage for the Soviet Union and that the Communist atomic physicists had stolen a march on us in the competition for nuclear supremacy. This whole question therefore has to be handled with the utmost caution.

Another problem related to the suspension of nuclear tests is whether such a suspension should be linked with an agreement to halt production of nuclear weapons materials. On June 25 the Secretary of State told a press conference that the United States did not necessarily want a cutoff of future nuclear production coincidental with a suspension of tests, but only an agreement to cut off production at some future date. The Soviet Union has given no indication that it will acquiesce in such a pledge. Whether the representatives of Washington and Moscow can come to an understanding on this particular point will depend on many things. For instance, how strict a pledge will the United States demand for a production cutoff? Will the United States insist on a specific date for a cutoff or will it accept a more general and less definite commitment? It seems dubious whether Moscow will unconditionally commit itself at this time to a definite date for putting an end to the manufacture of nuclear explosive material. If this happens the United States will have to weigh the relative advantages and disadvantages of temporarily suspending tests, without the promise of a cutoff date.

Just how important is it that any temporary outlawing of tests be linked to an agreement to end atomic production? As far as I can tell, no executive official has ever publicly explained why an agreement to end nuclear production should be tied to a treaty to suspend tests Incidentally, I might interject at this point, that I think it an error for the United States Government to take positions on various facets of the disarmament question without adequately explaining them to the American public. This question of disarmament touches each American so vitally that I think there should be far greater effort to explain to the public the reasoning behind our policy. Broad understanding will not impede our disarmament purposes, but sustain them. If such understanding is lacking, serious harm might be inflicted upon the ultimate success of the disarmament negotiations.

Let us consider the complexity of the problem of cessation of bomb testing without stopping the production of nuclear bomb material.

First. Continued production of bomb components and nuclear material would increase each nation's stockpile of weapons.

Second. A growing stockpile of 1957 model weapons would not lessen the likelihood of nuclear war.

Third. Even though we cease bomb testing for 10 months or a year, continued research and development of weapons would apparently continue and the pressure to use additional material and new bomb components would continue to grow.

So we must conclude that to stop the nuclear arms race, we must stop bomb testing and bomb material production concurrently or within a close time period.

This explains another factor which enters the United States position in regard to a temporary halting of tests and that is the desire to make sure that the first disarmament step will not be the last step, in other words, that it will lead on to other, more significant agreements later on. That apparently is a reason why the United States is trying to get an agreement now from the Soviet Union on a cutoff of production—not because it is absolutely necessary at this point but because we want to use the first stage agreement as a springboard for later progress.

INSPECTION PROBLEM

Still another problem in connection with a temporary suspension of nuclear tests is that of inspection. There is general agreement among scientists that large nuclear or thermonuclear explosions of multimegaton capacity can be expected anywhere in the world.

It may become possible in the future to conceal such explosions. In science anything can happen. If radioactive products are greatly reduced or eliminated from nuclear explosions, this would impede detection. There is also general agreement among scientists that as one travels down the scale of nuclear explosions the possibility of detection from a distance becomes less and less until a point is reached at which there is no possibility or at least no certainty of being able to detect the smaller test detonations. It is quite obvious, therefore, that suspension of all nuclear experimental explosions will require inspectors in the countries concerned in order to assure that there will be no evasions. The Soviet Government has asserted that it is willing to permit ground inspectors on its soil to check on a temporary test ban. This is encouraging, but it still remains to be seen on just what terms and in just what localities Moscow is prepared to admit such inspectors. It has often happened, in negotiations with the Soviet Union, that it appears to agree with something in principle, but when the details are explored, it is found the Communists are really not willing to assent to terms that are practical or realistic.

In a suspension of all tests, it will be essential to have a truly effective inspection system in the countries concerned or an agreement on such a suspension will not be acceptable.

Recently it has been argued, by some of our distinguished atomic scientists, that it would be unwise to suspend atomic testing at this time because they strongly believe it is possible, through continued research and testing, to perfect a clean bomb. That is, to eliminate the radioactive fallout which has made testing such a crucial political issue. This is an appealing argument and, for certain tactical military reasons, it is very desirable for a clean bomb to be developed. We should note, however, there is no guaranty that other nations will develop or use clean bombs in a future war.

Other considerations enter the picture. The political desirability of making some progress in the direction of disarmament is so great we must press ahead with our proposals to suspend tests under proper safeguards.

The goals of peace must take precedence over the goals of destruction. Secondly, even if tests are suspended, it would still be possible to go forward with the drawingboard plans for a clean bomb. Assuming that tests are only temporarily suspended, at some future point in our relations with the Soviet Union in regard to disarmament, we are going to reach a crossroads.

We are either going to decide it is prudent and feasible to travel forward and enter more substantial agreements with the Soviet Union, or we are going to decide that initial disarmament steps have been futile and are leading us up a blind alley.

In the former case, the possibility of a nuclear war will have so retreated that the question—whether bombs can be made clean or not—will become less urgent. In the latter case, we should certainly resume our testing, and our endeavors to develop atomic explosives with or without radioactive effects, could go forward unimpeded.

CONVENTIONAL ARMAMENT REDUCTION

The problem of limiting military forces and armaments is only a little less acute than that of controlling nuclear explosives. Since there is little likelihood that in the near future atomic shells and bombs will be eliminated from the arsenals of the great powers, the control of armaments that are the means of delivery of these massive explosives, is of major importance.

Obviously, no atomic bomb or no missile with an atomic warhead can at present be fired onto the shores of the United States unless it is brought by plane or submarine. No atomic shell can be fired at troops of the United States nor its allies, unless there is artillery to fire them. Moreover, no plane, no submarine, or no cannon can

be operated unless there is trained manpower available to do so.

Consequently, the proposals for control of military forces and arms, although at first blush may not seem as vital as those for restricting weapons of mass destruction, nevertheless, if they can be limited, this will automatically place limits on the means of waging atomic war.

The United States and the Soviet proposals on military manpower and armaments, although they reflect some degree of agreement, are based on a somewhat different approach. In brief, the Soviet Union is seeking drastic cutbacks in manpower and arms, whereas the United States wants to approach the issue more cautiously and would like to start off with only a relatively small first step.

Two factors seem to have a controlling influence on the approach of the United States. The first is a strategic consideration. The defenses of the Western World are constructed in a framework of alliances of which the United States is the heart. Without Armed Forces and corresponding armaments of a certain quantity, the United States would find it difficult to meet its farflung defense commitments.

The Soviet Union on the other hand, is striving for a large reduction of armed manpower and arms, because, as it has frankly implied in a published memorandum, April 30, 1957, it would like to get United States forces out of the foreign bases that support the western defense alliances.

RELATED POLITICAL PROBLEMS

The existence of many unsolved political problems around the globe, also conditions the United States position on manpower and arms reductions. The Western Powers fear a major letdown in political tension, following upon the heels of a disarmament agreement, would freeze the status quo on outstanding political questions like the reunification of Germany. A large cutback in standing armies and armaments would, they apparently feel, be the equivalent of conceding that the Communists could remain in possession of the gains they have unjustly made over the last decade and a half. Such an agreement, they believe, would be nothing less than appeasement.

On the assumption, therefore, that, in the absence of political settlements, initial reductions should be minor, the United States has proposed the figure of 2,500,000 men as the level of manpower for the United States and the U. S. S. R. at the first stage. This compares with a present manpower strength of 2,800,000 for the United States and, presuming that the Soviet Union has made the reductions which it announced in 1955 and 1956, approximately the same strength for the U. S. S. R.

In contrast to the United States, the Soviet negotiators have insisted on a much lower level of 1,500,000 men. Although they have asserted they would be willing to go along with the level of 2,500,000 as a first step, they do so only on condition that a commitment is made to go on later to the level of 1,500,000 they advocate.

The Kremlin's demand for manpower levels much lower than those advocated by the United States, is undoubtedly a skillful propaganda maneuver. They undoubtedly feel safe in the knowledge that American policy cannot accept such a level under the conditions they have postulated. They know the American Government cannot agree to large reductions of manpower and weapons unless political and military conditions are such that the American people and their allies can have assurance they are not being led down the dishonorable road of appeasement.

Very recently the United States has proposed that it would be willing to move on to second and third steps of 2,100,000 and 1,700,000 men, respectively, provided important political problems are previously resolved.

These new proposals could take much of the steam out of Soviet propaganda, for numerically, at least, the suggestions of both sides are now very close together. But the principal issue is still without a solution. That is to what extent any but the first step of manpower and arms cutbacks should be tied to political settlements.

The United States has not spelled out, except for German unification, what political settlements should be made, nor what degree of relaxation of political tension will be necessary before it is ready to pass beyond an initial arms agreement.

The Kremlin's representatives have not agreed to the need for political settlements and seem chary of entering into an agreement based on such an understanding.

This collision of views is one that might prevent the conclusion of even a first step agreement. Even if this problem can be avoided at the first stage, it inevitably will have to be faced at subsequent stages. The dilemma is simply—which should come first—political settlements or disarmament?

This dilemma bids fair to assume the same fundamental importance as the dilemma which complicated disarmament discussions between the two World Wars—which should come first, security or disarmament? In time, this dilemma was resolved in favor of security. The dilemma of our time will also have to be solved or civilization itself might be annihilated while the diplomats hang helplessly on the horns of indecision.

The United States can take at least one step toward a solution by defining, more clearly and precisely than it has up to the present, its position on political settlements.

PROBLEM OF MUTUAL INSPECTION

The third principal phase of the disarmament negotiations centers on the proposals for inspection against surprise attack. The idea of mutual aerial surveys to prevent surprise attack opened a new chapter in the disarmament negotiations. This attempt by the United States to break a decade of disarmament deadlock called for mutual surveillance by aircraft of the territory of the U. S. S. R. and the United States, so that preparations for aggression could not be made in secrecy. Since much of the efficacy of the strategy of nuclear weapons depends upon their employment in surprise attack, the so-called open-skies plan, would, if agreed to, greatly reduce the chance of nuclear war.

The Soviet Union, for almost 2 years, heaped scorn on the aerial survey plan and charged it was a device for spying on the Soviet Union. They attempted to counter it with proposals for ground inspection at key transportation and communications centers. However, the United States immediately agreed that the Soviet ground inspection plan would be acceptable along with the aerial inspection system.

The first break in Soviet opposition to the open-skies plan occurred in the latter part of last year when Premier Bulganin suggested air surveys over a zone in Central Europe for about 500 miles on each side of the Iron Curtain line. This manifestly gave the Soviet Union more of an advantage than it did the western nations and they rejected it. But this suggestion, nevertheless, created an opening and in the London disarmament talks this spring, Mr. Stassen informally suggested zones of inspection in Europe, as well as in the Pacific covering Alaska and part of Siberia.

The Soviet Union then countered with proposals for another zone in Europe, including a small portion in the west of the Soviet Union, as well as part of eastern Siberia and about two-thirds of the United States.

These proposals and counterproposals led to a widespread belief that, at last, the Kremlin might be seriously attempting some sort of agreement on limited inspection zones.

The switch in the attitude of the Russians did not change the fact, however, that putting even a very limited system of aerial and ground inspection into effect would be complex. If there were to be provisions on establishment of an inspection zone in a first-stage agreement, it was obvious they would have to be as simple, uncomplicated and noncontroversial as possible, or negotiations might stretch out indefinitely.

With considerations such as these apparently in view, our Secretary of State finally suggested it would be much more feasible to initiate a zonal inspection agreement in a relatively unpopulated area, like the Arctic, rather than in more populous regions where there would be more political and other complications. This still appears to be the position of the United States, although there are reports that this country would also be willing to include a zone in Europe, provided the nations of that region would so agree. So the bargaining continues, while the world's nuclear stockpile grows.

There is still a gulf between the United States position and that of the Communists. Khrushchev has laughed in ridicule at the American proposals for the Arctic, and Foreign Minister Gromyko has also insisted that any inspection of the Soviet Union would have to be matched by equal areas of the United States.

If this principle of equal areas were carried to its logical conclusion, it would mean that eventually all of the United States would come under survey, but

only a part of the geographically much larger Soviet Union. Obviously such a principle is absurd and we cannot acknowledge it as one that will govern negotiations on this subject.

The principle of equal geographical areas can be resorted to in initial stages when it is merely a question of laying out very restricted zones of inspection, but at later stages there will have to be proportionate give and take by both sides on more pertinent issues than square miles of wasteland.

Some sort of inspection zones must be arranged in a first-step disarmament agreement. Inspection zones will help to establish confidence and, because of their tendency to reduce the usefulness of those military forces and facilities in the inspected zones, will encourage a disposition on both sides to eventually do away with such forces and facilities.

It seems to me that, in this matter of inspection zones, the American people will have to think through the implications of what establishment of such zones will mean to them, not only in their everyday life, but also what international inspection will mean for their children. We can never expect the Soviet Union to accept such zones on its own territory, unless we are prepared to make a similar concession.

Thus, on the three phases of the disarmament question—atomic controls, limitation of manpower and arms, and institution of mutual inspection—there is enough agreement between the United Nations Disarmament Subcommittee members to instill hope that a first-stage disarmament plan can be evolved in the not-too-distant future. There are still, however, significant differences to be ironed out, and the next few months should tell whether the Soviet Union really means business this time.

If negotiations are ever to bear fruit in a first-step agreement, it is necessary for the United States, the other western countries, and the Soviet Union not to be too rigid in their demands and to manifest flexibility and reasonableness. We cannot foresee today what the Soviet Union will do, but it is in our power to make our own position responsible and conciliatory. This can be done without sacrificing any of the vital interests of our Nation. In fact, wise diplomacy can preserve our Nation.

Whatever is agreed upon in a first step should rest upon the following principles:

First. We cannot endanger our national security. Concessions must be balanced and fair to both sides and there must be adequate inspection where necessary. Any disarmament plan that resulted in insecurity for one of the parties would be a delusion, for insecurity would only be an invitation to aggression.

Second. The first step plan itself should be integrated and balanced. For instance, it would be a mistake to agree upon some measure that would weaken our atomic advantage if the other parts of the plan did not offer compensating advantages. Moreover, we should not expect immediate agreement on a complete plan of international disarmament, for this would risk failure and failure might destroy for a long time any prospects of ever achieving a successful disarmament agreement.

Third. A first step plan should include terms tying it to additional steps to be taken later on. We must be alert to the possibility that once a first step plan is effected, interest in further disarmament could fade. We might be lulled into a state of false security before all danger of nuclear catastrophe is totally eliminated.

Negotiations of a first step will require much time, more patience, and the utmost of understanding. We face a formidable task in breaking down the resistance of the Soviets to a reasonable disarmament agreement.

Experience has shown if you can outsit the Russians, if you are persevering enough, and if you maintain your strength, there is always a possibility you can break through their armor and establish a workable agreement.

The thought of the indescribable horror of a worldwide nuclear war, in which no nation could emerge as victor, should drive the leaders of all nations toward the establishment of international peace.

THE LATE HONORABLE EARL CORY MICHENER

The SPEAKER pro tempore. Under previous order of the House, the Chair recognizes the distinguished gentleman from Michigan [Mr. MEADER] for 15 minutes.

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks; and at my request all Members be given permission to extend their remarks on the life and services of Earl C. Michener and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, the Nation last week lost one of its distinguished elder statesman, Earl Cory Michener, a member of the House for 30 years. Earl died at the age of 80, a respected, alert, elder statesman, dear to his fellow citizens of Adrian, Mich., and valued by them for his sound advice and counsel. He died sometime last Thursday night, at the Lenawee Hotel in Adrian, Mich., a scant 10 days after the death of his wife.

I personally attended the funeral at Adrian, Mich., last Monday afternoon.

Earl Michener was a diligent, courteous, judicious Congressman. He was an able parliamentarian. He deserved and enjoyed the respect of his colleagues. He served as a member and chairman of two of the most powerful committees of the House, the Rules and Judiciary Committees.

It was my privilege to succeed Earl in Congress following his retirement in 1950.

A veteran, Earl served with distinction in the Spanish-American War. He enlisted in Company B, the 31st Regiment of the Michigan Volunteer Infantry at the age of 21. The company was mustered into Federal service May 8, 1898, at Island Lake, Mich., went to Cuba and returned to this country where Earl was separated May 17, 1899.

He was born in Seneca County, Ohio, November 30, 1876, and moved to Adrian, Mich., in 1889. He was a son of Valentine A. and Sarah Adelia Michener and attended Adrian public schools. A law graduate of what is now George Washington University here in Washington, he also attended the law school at the University of Michigan at Ann Arbor. Earl practiced law, also with distinction, at Adrian following admission to the Michigan bar in 1903.

On June 11, 1902, he married Belle Strandler, who died only last June 24. A daughter, Mrs. Charles Quick, of Detroit, survives.

Earl began his public career as assistant prosecuting attorney for Lenawee County, Mich., a position he held from 1907 until 1910. He was elevated to prosecutor in 1911 and served for 3 years in that capacity.

His long service in Congress began with the 66th and he was defeated narrowly for reelection to his 8th consecutive term in 1932. He reentered Congress in 1934 after a strong comeback at the polls and served consecutively until his retirement in 1950.

Earl was one of 7 managers for the House in the 1926 impeachment proceedings against George W. English, judge of the United States District Court for the Eastern District of Illinois. Proceedings against Judge English, charged with improper conduct on the bench, were dropped when the judge resigned.

Earl contributed much to his community as a member of the Sons of the American Revolution, the Presbyterian Church, the Knights of Pythias, the Benevolent and Protective Order of the Elks, and the Rotary Club.

I express my sympathy to Congressman Michener's daughter, Mrs. Charles Quick, of Detroit, Mich., in the loss of both her parents a week apart, for whom she had cared so solicitously for so many years during Mrs. Michener's prolonged illness.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Ohio.

Mr. BETTS. Mr. Speaker, I have always been extremely proud of the fact that Earl Michener was born in Attica, Ohio, which is in the Congressional district which I have the honor to represent. I am sure all of my constituents share this pride with me.

I was never too well acquainted with Mr. Michener, but I certainly should like to take this opportunity, Mr. Speaker, to pay tribute to a distinguished native of the eighth district who made such a distinct and brilliant contribution to the life of the Nation here in the House of Representatives.

Mr. MEADER. I thank the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I was, indeed, sorry to learn of the passing of my late great and good friend, Earl

Michener, of Michigan. When I came to Congress, he was chairman of the Committee on the Judiciary, the committee to which I was assigned.

I have had considerable legislative experience at both the State and National levels, but in all of that experience I served under no person who had a keener sense of fairness, or greater ability, or in whom his colleagues had more confidence.

As the gentleman who now has the floor has said, Mr. Michener was a great parliamentarian and his influence in the House and in the Congress, in general, will live long after his passing.

Mr. MEADER. I thank the gentleman for those remarks. I wonder if I might inquire of the gentleman, since he served under the late Earl Michener when he was chairman of the Committee on the Judiciary of the 80th Congress, whether or not Mr. Michener in that capacity had a considerable role to play in the adoption of the amendment to the Constitution concerning the tenure of Presidents and succession to the office of the Presidency?

Mr. McCULLOCH. I think he had a great deal to do with that proposal. His ability and his discerning attitude in such matters I think played a large part in bringing about the amendment to which the gentleman from Michigan [Mr. MEADER] has referred.

Mr. MEADER. I thank the gentleman. Mr. Speaker, under leave to extend my remarks, I include the following editorial from the Adrian Daily Telegram of July 6, 1957:

EARL C. MICHENER

Earl C. Michener, who died in his sleep here Friday, was proud of his record of service to the second district during 30 years in Congress. He likewise was proud of his position in the Republican Party, and the influence that he exerted on other Congressmen. After 30 years in Congress, and as one of the time-tested deans of that body, his influence was great indeed.

Mr. Michener was proud of his career because he knew, his district knew, and his fellow Congressmen knew, that he served with great distinction. Very few men in public life have served one constituency as long, and as faithfully and with such complete satisfaction. He made an honest, intensive and full business of Congressional work. Yes, he returned to his district to campaign. But so great was his strength, and so commendable was his record that, year after year, the announcement of his candidacy was tantamount to nomination and election. He thus found it possible to devote most of his time to public service. It wasn't necessary to spend weeks and months at home in efforts to get elected and reelected.

Only once from 1918 to 1950 was he rejected by the voters of the second district. That was in 1932 when President Roosevelt scored his first big sweeping victory in the depths of the depression. But Mr. Michener was back in Congressional harness again after the 1934 election and there he remained until he voluntarily retired in 1950.

As the years rolled by Mr. Michener was sought for advice and guidance by younger Congressmen. He held the chairmanship of one of the most important House of Representatives committees, the Rules Committee. He was a member of the Judiciary Committee. It was his hand that guided and steered legislation. It was his support that was sought on important issues. And on various occasions he was honored as the man selected to preside over the House in the absence of the Speaker. Mr. Michener was proud of all these honors and prestige because he earned them by long, hard, conscientious attention to the business of Government.

But perhaps Mr. Michener's greatest satisfaction came from the friendships that he made in Adrian and his district over the years. He was "Earl" to everyone, Republican and Democrat alike. No problem and no request from a resident of his district was too big or too small for him to handle. He knew his district from Monroe to Hudson and from Ann Arbor to Jackson as few Congressmen know their districts. He made it a business to know about his district through the religious reading of its newspapers and through a great volume of correspondence with friends and constituents. For many years there were very few families, in times of death and sorrow, that didn't receive a letter of sympathy from Mr. Michener. And it was a personal letter, based on personal acquaintanceship with the family involved. The people of his district loved him for it.

It is not unusual for men to build careers of great success in their chosen fields. It is not unusual for men to gain national reputations in government, or in business or the literary world. And likewise it is not unusual for men to have many friends and to be highly regarded in their home communities. But it is something of a rarity when men rise to high places of national distinction and at the same time maintain all of their friendships and contacts at home. Mr. Michener did that, and to an almost unbelievable and complete degree.

He seldom walked across the street from his hotel to his office without stopping to visit or discuss a problem with someone. He sometimes stopped 3 or 4 times, and sometimes was late for lunch, when he walked a block from his office to his favorite cafeteria. The same was true when he visited other 2d district communities outside of Adrian. And in all probability this warm and friendly reception at home gave him more satisfaction than the honors and prestige accorded in Washington. Earl was that kind of a man.

EUROPEAN PRACTICES FOR PURCHASING STEEL SCRAP FROM THE UNITED STATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, the House Small Business Committee has a letter dated July 10, from the Acting Assistant Secretary of State, the Honorable John S. Houghland II, which will be of interest to those Members who have been concerned about the problems reported by the scrap dealers. There are some 4,000 independent scrap dealers in the United States, and there is at least one of these essential small-business firms in almost every Congressional district.

The letter from the Acting Assistant Secretary of State contains a communique dated July 4, from the President of the High Authority of the European Coal and Steel Community, Mr. Rene Mayer. The communique describes the purpose of a meeting of the High Authority being held today, July 11, in Luxembourg. The purposes are to work out detailed procedures and criteria for purchasing scrap in the United States, so that all American scrap suppliers of sound reputation may have equal access to the markets of Europe, on a nondiscriminatory basis.

THE BUYING CARTEL

The European Coal and Steel Community is a kind of a supernational state insofar as the coal and steel industries of six European countries are concerned. The Community was formed by treaty, entered into by the governments of the six countries. Its purpose is to eliminate trade barriers between the countries, to create one common market, and to maintain in these industries fair and open competition, as contrasted to the cartel method of doing business which commonly prevailed prior to World War II. Adoption of the principles set out in the treaty is one of the great progressive steps taken by the peoples of Europe following World War II. In many respects, the principles and the spirit of the treaty emulate the principles of free competitive enterprise to which we are supposed to be dedicated and are sometimes, to a degree, dedicated in this country. The Community is made up of the coal and steel industries of France, Western Germany, Italy, the Netherlands, Belgium, and Luxembourg. These countries comprise one of the largest foreign markets for United States scrap.

The high authority, which is the governing body of the community, does, however, permit an exception to the general rule against cartels. This exception applies to a private cartel organized for the purpose of purchasing steel scrap from countries outside of the community. Furthermore, this cartel has, since its organization a few years ago, purchased scrap in the United States on what appears to be a highly restrictive basis. In fact, after this Government's limitations on exports were removed at the end of 1953, the cartel's original method of purchasing steel scrap in the United States was to enter into an exclusive contract with a very small combine of United States scrap companies. The combine included, in name at least, 3 companies—although in fact, substantially all of the business was done with a single company which is dominant in the United States scrap business.

In our recent investigations, the House Small Business Committee has gone into this matter rather thoroughly; and on June 21, the Assistant Secretary of State, the Honorable Thorsten V. Kalijarvi, informed the committee of a message from the high authority promising to prescribe purchase methods for the cartel which would open up European markets to members of the United States trade, on a nondiscriminatory basis.

UNITED STATES POLICY TO ENCOURAGE COMPETITIVE ENTERPRISE

It has been the historic policy of the American Government to try to encourage the adoption of the principles of free competitive enterprise abroad, and particularly, to encourage on the part of foreign governments an open-door policy toward United States business firms.

Furthermore, beginning with the close of World War II, our Government, through our State Department, adopted a conscious and concerted policy of trying to encourage free enterprise methods abroad, particularly in friendly countries, and to encourage expansion of international trade. This policy has also been legislated by Congress and is spelled out in the Mutual Security Act. There is considerable objective fact to support the faith, which many of us have, that free competitive enterprise as contrasted to monopoly, quasi-monopoly and cartel arrangements, not only produces the greatest economic progress, but is directly associated with, and is the best safeguard to, political freedoms.

The letter from the Acting Assistant Secretary of State quoting the communique from the president of the high authority is as follows:

DEPARTMENT OF STATE,
Washington, July 10, 1957.

The Honorable WRIGHT PATMAN,
House of Representatives

DEAR MR. PATMAN: Reference was made by Mr. Thorsten V. Kalijarvi, Assistant Secretary of State for Economic Affairs, in a statement before the House Select Committee on Small Business on June 21, 1957, to the fact that the high authority of the European coal and steel community was undertaking to formulate detailed criteria and procedures to be followed with respect to the community's scrap purchases in the United States. In this connection, the Department has received an unofficial translation of a communique signed by the president of the high authority, Rene Mayer, dated July 4, 1957, which may be of interest to you.

The text of this communique is as follows:

"The Council of the Common Office of Scrap Consumers (OCCF) of the community met on June 28 in Baden-Baden in the presence of the director of the market division of the high authority.

"The latter informed the council that, in consideration of the facts alleged before a special committee of the American Congress with regard to the purchase policy of the OCCF, it was advisable to revise and to define more accurately the rules that should govern scrap purchase operations in the United States of America. The chiefs of delegation of the OCCF Council are invited to Luxembourg on July 11, in order to complete the drafting of the directives that confirm, while defining more accurately, the principles under which the commercial policy for scrap purchases in the United States should be conducted.

"In conformity with the principles defined by the American Government before the special committee of the Congress, as well as those stipulated in articles 3 and 4 of the treaty establishing the European coal and steel community, these principles, whose methods on application will be made known to the American circles concerned by the OCCF after the meeting of July 11, include equal and non-discriminatory access for any scrap supplier of sound reputation in the trade, purchases to be decided on conditions most favorable for the consumers of the community on the basis of a certain number of technical and commercial criteria applicable to all, maintenance of normal competition between the scrap suppliers to the community."

If you have any questions regarding this matter, the Department will be pleased to be of service to you.

Sincerely yours,

JOHN S. HOUGHLAND II,
Acting Assistant Secretary for Congressional Relations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COUDERT (at the request of Mr. MARTIN) on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ROGERS of Massachusetts, for 5 minutes, today.

Mr. PATMAN, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROONEY to revise and extend the remarks he made in the House in eulogy of Herve L'Heureux and include two newspaper articles.

Mr. MINSHALL and to include an address by Mrs. BOLTON, of Ohio.

Mr. SIEMINSKI (at the request of Mr. HALEY) and to include extraneous matter.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 632. An act to amend the Federal Crop Insurance Act, as amended; and

H. R. 7238. An act to give the States an option with respect to the basis for claiming Federal participation in vendor medical care payments for recipients of public assistance.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 632. An act to amend the Federal Crop Insurance Act, as amended; and

H. R. 1359. An act for the relief of Mrs. Theodore (Nicole Xantho) Rousseau.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.), the House adjourned until tomorrow, Friday, July 12, 1957, at 12 o'clock noon.

MOTION TO DISCHARGE COMMITTEE

MAY 15, 1957.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4 of rule XXVII, I, T. A. THOMPSON of Louisiana, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 249) entitled, "A resolution providing for the consideration of the bill (H. R. 2474) to increase the rates of basic compensation of officers and employees in the field service of the Post Office Department," which was referred to said committee May 6, 1957, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. T. A. Thompson.
2. Kathryn E. Granahan.
3. Elizabeth Kee.
4. Elmer J. Holland.
5. Hugh J. Addonizio.
6. Chester E. Merrow.
7. Alfred E. Santangelo.
8. Edna F. Kelly.
9. Cecil R. King.
10. James C. Auchincloss.
11. Gordon Canfield.
12. Thomas M. Pelly.
13. Roy W. Wier.
14. Edith Nourse Rogers.
15. Richard Bolling.
16. William J. Green, Jr.
17. Melvin Price.
18. Sidney R. Yates.
19. Eugene McCarthy.
20. John Lesinski.
21. Byron G. Rogers.
22. George M. Rhodes.
23. Vincent J. Dellay.
24. Samuel N. Friedel.
25. Coya Knutson.
26. Robert C. Byrd.
27. Barratt O'Hara.
28. John J. Rooney.
29. Wayne N. Aspinall.
30. Clyde Doyle.
31. Usher L. Burdick.
32. Michael A. Feighan.
33. James C. Healey.
34. Laurence Curtis.
35. Florence P. Dwyer.
36. Leonor K. Sullivan.
37. Martha W. Griffiths.
38. Thomas P. O'Neill, Jr.
39. Carl D. Perkins.
40. William B. Widnall.
41. Isidore Dollinger.
42. James E. Van Zandt.
43. Thomas J. Lane.
44. Charles H. Brown.
45. Earl Chudoff.
46. Charles A. Boyle.
47. Thor C. Tollefson.
48. Harold D. Donohue.
49. Paul A. Fino.
50. Harold Collier.
51. Frank C. Osmers, Jr.
52. George H. Christopher.
53. Henry S. Reuss.
54. Robert H. Michel.
55. Charles A. Vanik.
56. Victor L. Anfuso.
57. Leonard Farbstein.
58. James A. Byrne.
59. Chet Holifield.
60. James T. Patterson.
61. Philip J. Philbin.
62. Abraham J. Multer.
63. Francis E. Dorn.
64. John Jarman.
65. George P. Miller.
66. Edward P. Boland.
67. James G. Polk.
68. Torbert Macdonald.
69. Emanuel Celler.

70. James Roosevelt.
71. Gardner R. Withrow.
72. Albert P. Morano.
73. Edwin H. May, Jr.
74. Louis C. Rabaut.
75. William H. Natcher.
76. John C. Kluczynski.
77. Clement J. Zablocki.
78. Lee Metcalf.
79. John D. Dingell.
80. Edward A. Garmatz.
81. Richard E. Lankford.
82. Harley O. Staggers.
83. Frank M. Karsten.
84. Alfred D. Sieminski.
85. Edith Green.
86. A. S. J. Carnahan.
87. John E. Moss.
88. D. S. Saund.
89. Winfield K. Denton.
90. Frank Thompson, Jr.
91. B. F. Sisk.
92. Gordon L. McDonough.
93. Frank M. Coffin.
94. Harry R. Sheppard.
95. Thomas S. Gordon.
96. Aime J. Forand.
97. Toby Morris.
98. Merwin Coad.
99. Leo W. O'Brien.
100. J. Floyd Breeding.
101. Thomas E. Morgan.
102. Daniel J. Flood.
103. John J. McFall.
104. Charles O. Porter.
105. John F. Shelley.
106. John J. Dempsey.
107. Joseph M. Montoya.
108. Harlan Hagen.
109. Fred Marshall.
110. James H. Morrison.
111. Herbert Zelenko.
112. A. S. Herlong, Jr.
113. Adam C. Powell, Jr.
114. Frank M. Clark.
115. Joseph L. Carrigg.
116. Al Ullman.
117. LeRoy Anderson.
118. Don Magnuson.
119. John A. Blatnik.
120. Glenn Cunningham.
121. Thaddeus M. Machrowicz.
122. F. Jay Nimtz.
123. Eugene J. Keogh.
124. Thomas Ludlow Ashley.
125. George McGovern.
126. Charles A. Buckley.
127. Peter W. Rodino, Jr.
128. Edwin B. Dooley.
129. George Huddleston, Jr.
130. William A. Barrett.
131. James G. Fulton.
132. Herman P. Eberharter.
133. Arch A. Moore, Jr.
134. Walt Horan.
135. Ludwig Teller.
136. Peter F. Mack, Jr.
137. Robert J. Corbett.
138. John E. Fogarty.
139. H. R. Gross.
140. Morgan M. Moulder.
141. William E. Miller.
142. Clair Engle.
143. Walter S. Baring.
144. William H. Ayres.
145. Ray J. Madden.
146. Kenneth J. Gray.
147. Cleveland M. Bailey.
148. Carl Elliott.
149. James A. Haley.
150. George H. Fallon.
151. James J. Delaney.
152. Augustine B. Kelley.
153. Wayne L. Hays.
154. J. W. Trimble.
155. Wright Patman.
156. William S. Broomfield.
157. Robert J. McIntosh.
158. Michael J. Kirwan.
159. Lester Johnson.
160. E. Ross Adair.
161. Charles C. Diggs, Jr.
162. Jim Wright.
163. William G. Bray.
164. Paul Cunningham.
165. Antonio M. Sadlak.
166. Horace Seely-Brown, Jr.
167. Thomas J. O'Brien.
168. Charles S. Gubser.
169. Bernard W. Kearney.
170. Dante B. Fascell.
171. Winston L. Prouty.
172. Ivor D. Fenton.
173. Charles A. Wolverton.
174. Leon H. Gavin.
175. William L. Dawson.
176. Stewart L. Udall.
177. Alvin E. O'Konski.
178. Paul G. Rogers.
179. Earl Wilson.
180. Henry O. Talle.
181. Kenneth A. Roberts.
182. Joel T. Broyhill.
183. Charles E. Bennett.
184. Ed Edmondson.
185. James C. Davis.
186. John F. Baldwin, Jr.
187. Henderson Lanham.
188. Lindley Beckworth.
189. Tom Steed.
190. Hale Boggs.
191. E. C. Gathings.
192. John C. Watts.
193. Robert E. Jones, Jr.
194. Mendel Rivers.
195. Albert W. Cretella.
196. Emmet F. Byrne.
197. Timothy P. Sheehan.
198. J. Edgar Chenoweth.
199. John B. Bennett.
200. Marguerite Stitt Church.
201. Sid Simpson.
202. Walter H. Judd.
203. Overton Brooks.
204. George S. Long.
205. E. E. Willis.
206. Gracie Pfost.
207. August H. Andresen.
208. John J. Riley.
209. Robert T. Ashmore.
210. A. D. Baumhart, Jr.
211. J. P. O'Hara.
212. H. Carl Andersen.
213. Frank W. Boykin.
214. Walter Norblad.
215. Ben F. Jensen.
216. Francis E. Walter.
217. Joe L. Evins.
218. Albert Rains.

This motion was entered upon the Journal, entered in the CONGRESSIONAL RECORD with signatures thereto, and referred to the Calendar of Motions to Discharge Commitees, July 11, 1957.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1031. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation entitled "A bill to change the designation of the Bureau of Yards and Docks to the Bureau of Civil Engineering, and for other purposes"; to the Committee on Armed Services.

1032. A letter from the Archivist of the United States, transmitting a report on lists or schedules covering records proposed for disposal by certain Government agencies, pursuant to the act approved July 6, 1945 (59 Stat. 434); to the Committee on House Administration.

1033. A letter from the Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to authorize the appointment of Adm. Arthur W. Radford, United States Navy, to the permanent grade of admiral in the Navy"; to the Committee on Armed Services.

1034. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Panama Canal Company and Canal Zone Government for the fiscal year ended June 30, 1956 (H. Doc. No. 210); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 235. An act to increase from $50 to $75 per month the amount of benefits payable to widows of certain former employees of the Lighthouse Service; without amendment (Rept. No. 787). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service; without amendment (Rept. No. 788). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 1262. A bill to authorize and direct the Administrator of Veterans' Affairs to accept certain land in Buncombe County, N. C., for cemetery purposes; with amendment (Rept. No. 789). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 1953. A bill to provide that checks for benefits provided by laws administered by the Administrator of Veterans' Affairs may be forwarded to the addressee in certain cases; without amendment (Rept. No. 790). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 2237. A bill authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tenn.) to Johnson City National Farm Loan Association and the East Tennessee Production Credit Association, local units of the Farm Credit Administration; without amendment (Rept. No. 791). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 4098. A bill to provide for the conveyance to the State of California a portion of the property known as Veterans' Administration Center Reservation, Los Angeles, Calif., to be used for National Guard purposes; with amendment (Rept. No. 793). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 5757. A bill to increase the maximum amount payable by the Vet-

erans' Administration for mailing or shipping charges of personal property left by any deceased veteran on Veterans' Administration property; with amendment (Rept. No. 794). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 5930. A bill to amend the War Orphans' Educational Assistance Act of 1956 to provide educational assistance thereunder to the children of veterans who are permanently and totally disabled from wartime service-connected disability, and for other purposes; with amendments (Rept. No. 795). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 6719. A bill to provide certain adjustments in organization and salary structure of the Department of Medicine and Surgery in the Veterans' Administration; with amendments (Rept. No. 796). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 6908. A bill to authorize modification and extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans, to restore eligibility for hospital and medical care to certain veterans of the Armed Forces of the United States residing in the Philippines, and for other purposes; with amendments (Rept. No. 797). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 7251. A bill to amend the definition of the term "State" in the Veterans' Readjustment Assistance Act and the War Orphans' Educational Assistance Act to clarify the question of whether the benefits of those acts may be afforded to persons pursuing a program of education or training in the Panama Canal Zone; with amendment (Rept. No. 798). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 8076. A bill to provide for the termination of the Veterans' Education Appeals Board established to review certain determinations and actions of the Administrator of Veterans' Affairs in connection with education and training for World War II veterans; without amendment (Rept. No. 799). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 3018. A bill to amend title 14, United States Code, entitled "Coast Guard," to authorize expenditures for recreation and welfare of Coast Guard personnel and the schooling of their dependent children; with amendment (Rept. No. 800). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 3748. A bill to provide for the conveyance of certain lands of the United States to the city of Gloucester, Mass.; with amendment (Rept. No. 801). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 5806. A bill to amend title 14, United States Code, entitled "Coast Guard," with respect to warrant officers' rank on retirement, and for other purposes; without amendment (Rept. No. 802). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain; without amendment (Rept. No. 803). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 313. Resolution providing for the consideration of S. 2130, an act to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 804). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 314. Resolution providing for the consideration of H. R. 8381, a bill to amend the Internal Revenue Code of 1954 to correct unintended benefits and hardships and to make technical amendments, and for other purposes; without amendment (Rept. No. 805). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 1678. A bill to provide for the quitclaiming of the title of the United States to the real property known as the Barcelona Lighthouse Site, Portland, N. Y., with amendment (Rept. No. 786). Referred to the Committee of the Whole House.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H. R. 2741. A bill to authorize and direct the Administrator of Veterans' Affairs to convey certain lands of the United States to the Hermann Hospital Estate, Houston, Tex., with amendment (Rept. No. 792). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY:

H. R. 8643. A bill to authorize the construction of certain works of improvement in the Niagara River for power and for other purposes; to the Committee on Public Works.

By Mr. MILLER of New York:

H. R. 8644. A bill to authorize the construction of certain works of improvement in the Niagara River for power and other purposes; to the Committee on Public Works.

By Mr. ASPINALL:

H. R. 8645. A bill to amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT:

H. R. 8646. A bill to amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C., sec. 486, et seq.) to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing of public works; to the Committee on Interior and Insular Affairs.

By Mr. ENGLE:

H. R. 8647. A bill to amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes; to the Committee on Interior and Insular Affairs.

By Mr. FALLON:

H. R. 8648. A bill to amend subsection (f) (1) of section 209 of the Highway Revenue Act of 1956 (70 Stat. 387); to the Committee on Ways and Means.

By Mr. METCALF:

H. R. 8649. A bill to amend the Packers and Stockyards Act, 1921, as amended, by the grouping of the titles of such act amended into separately named acts; providing for the applications of such acts so named; defining a livestock auction market, a stockyard, and packer buyer; and for other purposes; to the Committee on Agriculture.

By Mr. POFF:

H. R. 8650. A bill to create a Supply and Service Administration as a department in the Department of Defense, and for other purposes; to the Committee on Armed Services.

H. R. 8651. A bill relating to the authority of the Administrator of General Services with respect to the utilization and disposal of excess and surplus Government property under the control of executive agencies; to the Committee on Government Operations.

By Mr. PORTER:

H. R. 8652. A bill to rescind the authorization for the Waldo Lake Tunnel and regulating works, Willamette River, Oreg.; to the Committee on Public Works.

By Mr. SIKES:

H. R. 8653. A bill appropriating $3 million, to be used by the Secretary of Agriculture to undertake, in cooperation with the State of Florida, a program for the control and eradication of screwworms in such State; to the Committee on Appropriations.

By Mr. WAINWRIGHT:

H. R. 8654. A bill to incorporate the National Ladies Auxiliary, Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 8655. A bill to amend the Administrative Procedure Act and the Communist Control Act of 1954 so as to provide for a passport review procedure and to prohibit the issuance of passports to persons going or staying abroad to support the Communist movement; and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H. R. 8657. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by a teacher for his further education; to the Committee on Ways and Means.

By Mr. BOW:

H. R. 8658. A bill to amend section 802 of title 10 of the United States Code with respect to the jurisdiction of the military departments over crimes committed by members of the Armed Forces in foreign nations; to the Committee on Armed Services.

By Mr. KARSTEN:

H. R. 8659. A bill to provide an exemption from the tax imposed on admissions for admissions to certain musical theatrical events; to the Committee on Ways and Means.

By Mr. PILLION:

H. R. 8660. A bill to authorize the construction of certain works of improvement in the Niagara River for power and other purposes; to the Committee on Public Works.

By Mr. BAILEY:

H. J. Res. 402. Joint resolution providing for printing as a House document Bulletin No. 1215 of the Bureau of Labor Statistics of the Department of Labor; to the Committee on House Administration.

By Mr. ABERNETHY:

H. J. Res. 403. Joint resolution proposing an amendment to the Constitution of the United States prescribing the term of office of members of the Supreme Court; to the Committee on the Judiciary.

By Mr. AYRES:

H. Con. Res. 214. Concurrent resolution providing for a joint Congressional committee to investigate and study the case of William S. Girard, specialist, third class, United States Army; to the Committee on Rules.

By Mr. FARBSTEIN:

H. Res. 311. Resolution that a select committee be appointed to conduct a full and complete investigation and study of the use of chemicals and other additives in food, medicine, and beverages with a view to ascertaining what deleterious effects such chemicals have on human life and health; to the Committee on Rules.

By Mr. LANDRUM:

H. Res. 312. Resolution creating a select committee to conduct studies and investigations of all Federal grants-in-aid; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H. R. 8656. A bill to authorize Hon. HUGH J. ADDONIZIO and Hon. PETER W. RODINO, JR., Members of Congress, to accept and wear the awards of the Order of the Star of Solidarity (Stella della Solidarieta Italiana di secondo classe) and the Order of Merit (dell 'Ordine al Merito della Republica Italiana), of the Government of Italy; considered and passed.

By Mr. BERRY:

H. R. 8661. A bill for the relief of Bennett Memorial Hospital; to the Committee on the Judiciary.

By Mr. BOYLE:

H. R. 8662. A bill for the relief of Laszlo Hunyadi and his wife, Delina Hunyadi; to the Committee on the Judiciary.

H. R. 8663. A bill for the relief of Francesco Masiello; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. R. 8664. A bill for the relief of Clifford S. and Ethelreda Jorsling; to the Committee on the Judiciary.

By Mr. FASCELL:

H. R. 8665. A bill for the relief of Hortensia Dowling; to the Committee on the Judiciary.

By Mr. FORD:

H. R. 8666. A bill for the relief of Jacob Ype Harms; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 8667. A bill for the relief of Dominick LeRose; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H. R. 8668. A bill for the relief of Epifania Gitto; to the Committee on the Judiciary.

By Mr. PATTERSON:

H. R. 8669. A bill for the relief of Adoberto Savigni; to the Committee on the Judiciary.

H. R. 8670. A bill for the relief of Joaquim B. Calca; to the Committee on the Judiciary.

By Mr. SEELY-BROWN:

H. R. 8671. A bill for the relief of Giuseppe Spera; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address by Hon. Frances P. Bolton at Ninth Annual Colgate Foreign Policy Conference, Colgate University

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1957

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to insert an address made by our distinguished colleague from Ohio, Mrs. BOLTON, at the foreign affairs conference held at Colgate University during the week of July 4.

The address follows:

EMERGENT AFRICA

Mr. President, Dr. Wilson, members of the conference, honored guests, and friends. To be here in this distinguished company is a privilege indeed. To me it is an especially delightful moment, coming as I do to the university begun so many years ago by 13 men of whom my great grandfather was one. Little by little those modest beginnings have grown into this splendid institution whose roots go deep down into the earth, whose trunk is straight and strong, and whose branches reach ever more eagerly towards the stars. How proud those 13 must be to find representatives from so many nations gathered together with world-minded Americans in earnest effort to bring about greater understanding.

I hesitate to speak of that great continent of Africa to such an informed group as this. I am certain there are those among you who know far more of Africa than I, which of itself is both fearsome and challenging. However, my interest in this continent that God has held in reserve is deep, my efforts to know as much as I can about it, sincere. I am happy to give you some of my thinking.

Just here I must say to you that I hesitate to use the pronoun "it" in speaking of Africa. There is nothing neuter about Africa. But can one say he or should it be she?

Africa is so vital, so personal and yet so impersonal. There are moments when one says "she" unhesitatingly, so great is the sense of maternity, of the creative, passive, waiting forces that seem to surround one, that seem to well up out of the earth one walks on. And then again Africa is all male—aggressive, powerful, ruthless, invincible. Above all else, Africa is a land of extremes, of such beauty by day and by night that one stands breathless before it; of such ruthless cruelty that only the bravest can support it.

The oldest land mass on earth, Africa's shores have been beaten upon so long that there are few harbors. Her great plateau has long since been made infertile, for after the trees were gone, the winds have blown away the productive soil. Her great rivers are not highways from their sources to the sea, for in their courses they must tumble down to sea level, and death is in their depths. Her incredible forests, her steaming jungles, her low marshes, her fearsome heights, her beautiful lakes, and glowing volcanoes, her snow-clad mountains, her deserts, and her rain forests. There is no end to the wonders one may see. Once seen one is never quite the same again.

Yes, Africa is a country of great extremes and many emotions. Of pygmies and men 7 feet tall. Even the climate runs the gamut from driest desert to heaviest rainfall, from snow-capped Kilimanjaro practically astride the equator to the great basin of the Congo, and, in addition, in certain marvelously beautiful areas, a temperate climate unsurpassed anywhere.

One can readily understand why, for so many centuries Africa was a coastline but not a continent. One can appreciate why there was so little accurate information to be had well into the nineteenth century, and not too much today. In searching for information, one is reminded of the four lines written by Jonathan Swift:

> "So geographers, in Afric maps,
> With savage pictures fill their gaps,
> And o'er unhabitable downs
> Place elephants for want of towns."

Those of you who have been to Africa know something of its vastness. You have felt its mystery, you have been stirred by its almost incredible possibilities. You have, perhaps, found your own emotions shaken, as never before, by the power, the force, that seems to well up out of the very earth. You have been faced with the reality of Africa's awakening. It is as if a great giant stirred for the first time in many centuries, stretching himself, opening his gentle eyes upon an unknown and very disturbing world. Perhaps you, too, have found your own world somewhat shaken by direct contact with this awakening, and all it can mean to the future of mankind.

It was to that Africa that I went in September nearly 2 years ago, I and my three companions, on behalf of the Subcommittee on the Near East and Africa of the Committee on Foreign Affairs. I took with me a Signal Corps photographer, a transportation officer who had spent some 8 years in West Africa, and a medical observer, loaned by the Mayo Clinic.

It was our purpose to see all we could in the all-too-short 3½ months allotted us. Starting at Dakar, our route took us into countries in West Africa, south to the Cape, up the East Coast, into the Central Federation, north to Ethiopia, Khartoum and Cairo. It was a continent of contrasts that we saw: its luscious forests and deserts, its granite mountains, its indescribable beauty, its cruelty and ruthlessness. We saw the ravages of disease and the efforts being made to eradicate it. We glimpsed its vast wealth, its unbelievable possibilities. But especially did we see the people: Indians, Lebanese, Syrians, Europeans and above all, Africans, whose present awakening will have such bearing upon the future of the world.

Thanks to the great courtesy of the Washington representatives of the metropolitan countries in advising the various government heads of our coming, we were given every opportunity to learn something at least of what they are doing in their separate areas. Unfortunately we could not go to Spanish Africa, but we did visit the French, the Portuguese, the British, the Belgian areas, and South Africa as well.

It was truly exciting to see the tremendous housing programs everywhere, the schools, the hospitals, the dispensaries, the clinics, and the maternity homes and, of course, in every country, the missions, both Catholic and Protestant, which have been responsible for so much of the education and the staffing of the health work. Each metropolitan country had its own special methods, its own program, but all were moving along roads that will bring better living to all the people.

If we are to speak together of an emergent Africa, we shall have to take a moment or two to look at the past of this so little known continent of which Colonel Van der Post has written that "not even the animals understand."

We know little of the history of Africa south of the Sahara. Legend tells of an ancient and powerful West African empire known as Ghana which flourished more than a thousand years ago, and from which many of the present tribes have sprung. The Egyptians, who are more closely linked with the Middle East than with Africa, trace an unbroken civilization back nearly 6,000 years, while the Berbers and others are indigenous to north Africa. The Arabs, twice conquerors of north Africa, have left many of their people on the African continent. But these moved in upon indigenous people whose past is hidden by time, who carry in their blood strange memories of ancient glory. Today, archaeologists are finding evidence in unexpected places of very ancient civilizations.

It was not until the 19th century that Europeans came to Africa, to encounter un-

expected ills. It was as if Africa had raised her own barriers against intrusion, for the West Coast was soon known as the white man's grave.

Yet the adventurous, the daring, came to explore, to settle and to exploit. They had little or no regard for the people they found there who lived primitively. Who were, as a rule, readily subjugated. Yet it was in the Ashanti country of the Gold Coast—now Ghana—that the British found violent resistance. We were told it took eight wars to conquer them.

As one reads history there seems little difference between the white man's conquest of Africa and his conquest of North America. In neither continent did he attempt to understand those who dwelt there. Land tenure? Marriage laws? They mattered not at all. Here in these United States Indians were put on reservations. In Africa there are native reserves. To our shame be it said that we are not even now seeing to it adequately that the people we dispossessed share our way of life to the full.

As I have said, each governing country in Africa has its own methods of dealing with these indigenous people. One might say that the common denominator of their work is health and education. Certainly their common experience must be amazement at the latent ability of these men who must leap across the barriers that separate them and their primitive ways from today's motor cars and airplanes. Modern inventions, highways, and airfields—big and little—have found their way even into the jungles. Railroads are being built, work is underway to develop hydroelectric power, the attack on disease is slowly but surely winning the battle for health. Education is being made increasingly possible. Today's Africa has already come a long, long way since yesterday.

It is less than 2 years ago that the Sudan took her place among the free nations of the world, and but a few months since the Gold Coast became the first black country south of the Sahara to join the British Commonwealth, taking the name of the ancient empire of Ghana from which her people stem.

Here the light of nationalism is burning brightly. The emotion of the March 6 midnight moment with Nkrumah's, "We are forever free" is still strong, though the wise ones know tha Ghana is only at the beginning of a long process, that the road ahead is not an easy one. No one-crop economy is ever without danger—and the price of cocoa is all important in Ghana. But great things are in the making: a harbor is being built, the Volta Dam is in everyone's heart and mind and hope rides high.

All Africa, nay, all the world, is watching. Has the tide of nationalism swept this new nation too quickly into the heavy responsibilities of freedom, or is their wisdom sufficient to their need? One cannot but wish them well. But Ghana is a favored State, for there are few if any Asians or Europeans among her people. Her problems should be far more readily solved than those of Nigeria for instance, where in her great northern region are some 10 million Muslims who seem to have little urge toward today's world. At the moment no date has been set for a free federation, although the western and eastern regions have been accorded self-government.

It is in the eastern and central areas of Africa that Britain at least, is attempting to work out methods by which the training for an attainment of complete autonomy can be achieved without upheaval. Here the African must raise his sights also. It is natural that, roused from his long isolation, his first reaction should be, this is my country, mine alone, all outsiders must go. Of course, the outsiders are so far in the minority that he could wipe them out almost over night. But were he to do so, he would have put himself back into the limbo of savagery. That is not what his heart desires, and one can but hope that those who are attempting to assume leadership will recognize this fact and will use great wisdom in the exercise of their responsibility.

What is to be Africa's role in this amazing era of revolutionary change? To what end, her fabulous wealth in bauxite, cobalt, copper, gold, uranium, diamonds, rubber, cocoa, coffee, and still undiscovered raw materials? To what end her markets, though her needs are infinite? To what end her teeming millions? To what end the many races within her borders, deriving as they do from different continents and separated by long periods of their cultural development, now thrown together to work out a common future?

There is no question but that Africa today is suffering from deep wounds inflicted by fear and mistrust between races and between tribes. The immense task of raising the masses from poverty and ignorance demands the exertion, in unity and fellowship, of all the talents that the continent can provide. Past achievements and plans for the future toward this supreme aim are alike endangered by the threat—or the reality—of internal dissension and Communist penetration.

The urgent need is for a new spirit, a patriotism stronger than racial or tribal loyalty, and for a policy suited to the true needs of the people, of which the people can be proud.

As one looks at it all there seem to be three great forces which, in interaction, will determine the future of the African Continent: (1) a growing African nationalism, (2) western civilization, and (3) increasing Asian influence. Communism will certainly do its utmost to take a hand in the game.

The growth of African nationalism cannot be stayed. Those who wish to live constructively in Africa must work with this tide, not against it. But it is not a fearsome thing, rather is it something to be cordially welcomed because of its creative possibilities.

Western civilization with its promise of better health and ever-increasing opportunity to share in the good things of the world makes its own very real appeal.

Asian influence also has its contributions to make to the emerging continent. The problem of bringing these forces together is not an easy one, but if the West and the East have a true desire to prove to Africa by their attitudes and actions that they ask only to share in the great task of equipping Africa to take her full part in world affairs, the future will hold unbelievable values not just for Africa, but for all the world.

Such an effort is being made in Central Africa within the Tropic of Capricorn (from the Limpopo River to the Sahara) by the Capricorn Africa Society. This society was founded in Salisbury in Southern Rhodesia in 1949 by a group of people composed of members of different races, who believed that a policy for Africa must come from within Africa itself. Its members are committed to the uncompromising acceptance of two purposes: First, the establishment of a way of life in which there will be no discrimination on racial grounds, opportunity will be open to all, and human capacity and merit will be the only criteria for responsible participation in public affairs. Second, and equally important, to maintain and make effective the cultural, moral, and spiritual standards of civilization. These are based upon the belief that all men, despite their varying talents, are born equal in dignity before God, and have a common duty to one another.

Is it not possible that in this great emerging continent there is present opportunity to bring about an understanding among men on a far broader foundation than anything so far tried?

In any consideration of Africa's future, it must not be forgotten that white men in considerable numbers have made their homes in Africa for generations. It is the only country they know. Asians, too, have immigrated and made it their country. This presents a new problem which would appear to be solvable only by merging this new nationalism of the African with that of the other races to whom Africa spells home, so creating a comprehensive nationalism whose influence could well be incalculable.

This Capricorn Africa lives in an area as large as the United States. Although the majority will always be black, white as well as brown Africans will share the responsibilities with complete unity of purpose. Capricorn Africa works on the policy of creating an interracial integrated life in which the different races cooperate without regard to color, for the common material and spiritual enrichment of all. This positive, creative faith in the value of totality is a belief that in the conditions prevailing, a far richer and greater thing can be achieved by the active cooperation of the different races than by any more partial program. The motive power to which CAS chiefly looks for the realization of its aims is the growth of a common African patriotism which members of all races share, which all will seek to serve and which in the case of many individuals will have its roots and nourishment in a deeper, ultimate, religious view of the meaning of life.

I have reminded you that this is an age of revolutionary change. Let me suggest that the fundamental change that must be made, not just in Africa but all over the world, is in the realm of our thoughts. Only as we learn to think in terms of the whole shall we be able to prevent the moment of chaos towards which humanity appears to be heading. And a new way of thinking means a new way of feeling. "Nothing is more needed in Africa today," says one of its leading men, "than a new emotional drive strong enough to counteract the powerful passions of racialism. A new commanding loyalty must take the place of the motives which at present determine action."

So as we look at an emerging Africa let us do so with a deep sense of the immensity of her problems. Let us—all of us—be very wise in our desire to be of service to her, letting her express her need and her desire, not forcing upon her our ideas of that need. She has within her borders all the difficulties facing humanity in this great era of change. She has the opportunity to find the solutions men everywhere are seeking. Facing another moment of destruction and chaos, the world may well look to emergent Africa for new light upon the great road of God's evolution.

Civil Rights

EXTENSION OF REMARKS
OF
HON. RICHARD B. RUSSELL
OF GEORGIA
IN THE SENATE OF THE UNITED STATES
Thursday, July 11, 1957

Mr. RUSSELL. Mr. President, the debate of the past few days has been in the very highest traditions of Senate procedure.

Not only has it helped Senators in understanding the issues before us. It has generated a public discussion which is educating the people of our Nation.

As one example, I cite the very excellent editorial which appeared in the

Washington Star today. This editorial points out that the bill in its present form involves a "cost in damage to one civil right demanded as the price of strengthening another."

"There is no doubt that such costs are inherent in the bill," the editorial asserts. This editorial might well have been entitled "Stop—Look—Consider."

Mr. President, this is a question that is entirely aside from the merits of the pro- or anti-civil-rights argument. It is a question that goes specifically to language in the bill that goes far beyond anything proposed in recent years by even the most burning advocate of so-called civil rights.

The public is now aware of what it really is—and I believe that when our people are informed, they can reach sound and sensible conclusions.

Mr. President, I had intended to ask unanimous consent that the Washington Star editorial be printed in the CONGRESSIONAL RECORD, but, since my colleague [Mr. TALMADGE] has had it printed, of course I shall not duplicate his request.

Name, Rank, and Serial Number No Longer Enough in War?

EXTENSION OF REMARKS

OF

HON. ALFRED D. SIEMINSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1957

Mr. SIEMINSKI. Mr. Speaker, not a single Member of this House would deliberately water down the right of our GI's as prisoners of war to rely solely on giving their name, rank, and serial number to guarantee fair and humane treatment.

Our GI's are instructed to remain silent on every point that might be helpful to the enemy except giving, in courteous response, their name, rank, and serial number. Information on troop disposition, terrain, and changing situations the enemy must obtain on his own.

I hope, Mr. Speaker, that we in the Congress are not unwittingly placing in the hands of others a precedent that could be used against our boys to require them to give more information than just their name, rank, and serial number.

Could not a future wartime enemy say, in effect, "Look, GI, your own Congress requires witnesses to give more than just their name, address, and occupation. They must testify about others, else they are held in contempt. What is good enough for your Congress is good enough for us. So give with the information. Who was on your left flank? What outfit was on your right flank? Else, take the consequences."

I trust my fears in this regard are ill-founded, Mr. Speaker.

SENATE

FRIDAY, JULY 12, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 10:30 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father, God, for a hallowed moment snatched from the pressing concerns of state we bow in reverence at this wayside altar of prayer. Against all odds and obstacles and amid all differences and contentions may we keep our love of life, our sense of humor, our delight in friendship, our hunger for new knowledge, our hatred of pretense, and our intolerance for what our hearts tell us is false and degrading. Quicken our love of America at its best, that we may see the shining glory of the Republic both as a heritage and a trust.

We ask it in the name of that Holy One whose truth will make all men free. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Thursday, July 11, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries.

LEAVE OF ABSENCE

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. ANDERSON was excused from attendance on the sessions of the Senate on Monday and Tuesday next, July 16 and 17, 1957.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, the value of Senate procedures has very definitely been demonstrated—and demonstrated dramatically—by the debate of the past few days.

When this debate opened, it was generally assumed that the issue was a simple yes-or-no proposition. I believe that most thoughtful men now agree that there are serious issues which must be explored carefully and prudently.

There are still those, of course, who believe that the Senate should operate on the basis of "get out of town by sundown." But I doubt whether they will impress the Senate or the great majority of our people.

The course of this discussion thus far has made me very proud of a number of basic American institutions.

First, I am proud of the Senate. Not only have the speeches been of a high caliber, but they have been accompanied by searching, probing questions and colloquies which indicate a sincere and earnest desire to arrive at the facts.

Second, I am proud of the press. I believe it is a real tribute to our great and free newspapers that they have demonstrated a capacity not only to present facts which are called to their attention, but to have second thoughts. It is obvious that at least the editorial writers are reading the CONGRESSIONAL RECORD and are keeping abreast of the Senate debates.

Third, I am proud of the reaction of our people as it has been expressed to us directly in conversations, and through the mail. The people have not been dogmatic or arbitrary, but have realized that it is not possible to reach conclusions in advance of the testimony or the receipt of the evidence.

There will be some who insist that it is little short of treason to dot a single "i" or cross a single "t" in passing the civil rights bill. There will be others who will insist that it is the height of infamy to approve a single "i" or cross a single "t."

But I think the American people have more sense that that.

I believe they expect the Senate to consider this far-reaching measure carefully. I believe they want it to be debated to a point where there is little question of the facts.

In view of the situation which confronts us—having to consider a bill without the evaluation of a committee report—it is all the more necessary that we proceed with care in our discussion.

I think the American people want Senators who are honestly convinced the bill is bad to vote against it, and those who are convinced the bill is good to vote for it. And I think they want Senators who believe changes are necessary to press those changes vigorously.

It is the essence of human nature for those who are deeply interested in a project to assume that there is some form of degradation in departing 1 inch from a position. It would be surprising if this feeling were absent from this issue.

But there is a national interest which transcends partisan considerations. That national interest requires us to explore every avenue until we know the facts and then to vote our firm and honest convictions.

No matter how we vote on this issue, someone will be disappointed. There is no partisan position which is universally popular and which will lead to overwhelming adulation.

There is only one clear-cut path. It is to examine the facts and vote accordingly. We must reason together and try to arrive at a position which will serve all the people of America according to the standards of decency and traditional freedoms.

I interpret the debate and the activities of my colleagues during the last few days along those lines. There have been no deals, no compromises, no trading of principles of which I am aware.

This is the climate which can enable the Senate to arrive at a decision and I believe Senators on both sides of the aisle